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Mr Paul Dacre  
30 Year Review Panel  
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Kew  
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Dear Mr Dacre

### **30-Year Rule Review**

The Home Office is a large and complex department and a significant proportion of our business information will become part of the nation's permanent history at The National Archives (TNA). As such, we welcome a review of the 30-Year Rule.

Whatever changes might be contemplated to the current 30-Year Rule, there will be an impact on the department, on the range of information we are required to hold beyond the point of transfer and on the extent of the appraisal work carried out to achieve compliance. Any reduction from the current 30-Year Rule will require careful planning and additional resourcing during any agreed transition period. In order to manage the transition, the review should allow as long as possible for departments to reach compliance and certainly no less than five years.

It is also very important that sufficient time is allowed for identification of sensitive data, particularly data about individuals in files to be transferred to TNA so that no information is released inappropriately.

There will always be some departmental information which needs to remain closed for a range of valid reasons outlined in the Freedom of Information Act and I am very concerned that any change to the point of transfer should leave the present duration of FOI exemptions untouched.

Attached you will find a fuller examination of these points of concern. These are practical matters that need to be taken into account if there is to be any reduction of the present 30-Year Rule. The driver to this is a matter of public policy and Parliament will need to address the substantive question. 25 years might seem to be only a marginal difference against 30 years and so 20 years might feel attractive. We should only move that far if absolutely sure that the practicalities are fully in place.



Helen Kilpatrick  
DG Financial and Commercial

## 30 Year Rule Review

### Appendix to letter of response sent by David Normington

#### Considerations

##### Introduction

The department has an extensive collation of paper records. The majority relate to case work and are unlikely to be of long term interest once their operational value has lapsed. But even the minority set of paper records are in the tens of thousands with over 200,000 files comprising the pre-1995 holdings (the volume that would have to be processed to comply with a 20 year rule by 2014). Figures have been submitted to the review in a separate document showing that beginning to end processing of this volume of files within this timeframe would cost some £4 million , against the comparatively negligible £31,500 per annum in storage costs.

In addition to this, Home Office holds large amounts of information electronically, both within and outside an EDRM system/corporate file plan. A point of transfer reduced significantly below 20 years will bring these records into appraisal requirements, which at present Home Office is not well placed to handle.

##### Protection

1. The nature of the information held by the department requires all files selected for transfer to TNA to undergo sensitivity review. This is a very onerous and resource-intensive task and it is envisaged that compliance with a reduced point of transfer would result in a more pragmatic approach to this process. This may lead to a higher volume of records being transferred closed in their entirety rather than trying to increase output and raising the risk of overlooking sensitive data during review. This is particularly an issue for files that contain large amounts of sensitive personal data; Home Office's first priority in undertaking sensitivity review will be to protect individuals, victims' families, staff, etc from danger or distress caused by early or inappropriate disclosure. The department accepts that this may result in a higher level of FOI requests being made on transferred Home Office records, and in turn higher levels of consultative work with TNA.
2. There is another level of sensitivity review which concerns references to operational matters involving either Special Branch or the Security Service. The Home Office consults with third parties to determine the status of such information allowing records to be transferred open wherever possible but taking positive action to redact or retain on other occasions. The department is reliant on these bodies being able to supply sufficient resources for review at a time when they too may be feeling the impact of a reduction in the point of transfer.
3. The Act presently forces many exemptions to expire at the point of

transfer. Section 62 defines a 'historical record' as one which is 30 years old, the present point of transfer. As the legislative action needed to amend the point of transfer is also expected to amend the FOI Act, we would want any change to the point of transfer to maintain the present lifetime of FOI exemptions.

### Transition

4. Loss of resources needed to handle first review are one element of the resource issue concerning record management. The resulting incremental growth of paper records coming towards the 30-year point is considerable. Current working practice means that departments endeavour to carry out appraisal of records when they reach the 25 year point so that they can be prepared for transfer in advance of the 30-year point itself. Reducing the point of transfer would mean advance appraisal 5 years before transfer in a similar way. To give some indication of the additional volumes concerned an estimate of the paper files reaching the appropriate age is given:

Years of Age	Years	Volume
30+	1978 or earlier	12,500
25-29	1979-1982	10,200
20-24	1983-1987	31,200
15-19	1988-1993	65,100

5. Current resources for appraisal, sensitivity review, and transfer are limited. The department has had to agree a one year 'moratorium' with the Advisory Council (ACNRA) so that it could review and re-establish its inventory, procedures, and staff skills, to get back to a robust 3-year review programme. The historic review team consists of just 5 reviewers to carry out this work. This skilled team has been trained in the new macro-appraisal techniques and so will be capable of much faster throughput at the appraisal stage, aiming to process approximately 11,000 files per year.
6. Assuming that current resources continue to be deployed it is clear that the onset of an earlier point of transfer could not be supported. The material arising over the next ten years (back to 1993) amounts to some 121,000 records and would take the present team resources the full ten years to complete. Any reduction of the point of transfer needs to take account of that, with provision being made for a transition period. Resource estimates have been made to indicate that for every 5 year reduction of the point of transfer an additional 80% resource (4 Review Team members) would be needed to keep pace over a 3 year period of transition. The business as usual phase beyond any transition would not require any additional resources.
7. It is implicit, therefore, that any reduction to the point of transfer will not be cost-neutral. To make any such reduction of the point of transfer effective, and to meet public expectations, will warrant an injection of resources for the period of transition.