

REVIEW OF “30-YEAR RULE”

Dear James,

I am now in a position to reply to your letter of 31 December in which you invite the London Metropolitan Archives [LMA] to participate in a consultation regarding the “30-year rule”. In addition to the LMA, I am also responsible for another major archival repository in London, the Guildhall Library Manuscripts Section, both of which are part of the department of Libraries, Archives and Guildhall Art Gallery of the City of London Corporation. I have invited colleagues in both offices to comment on this review.

I should begin our comments by stating that the City of London supports the review of the 30-year rule.

I have structured our observations around the three identified bullet points:

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

The City of London has, like all other local authorities, operated under the terms of the Local Government (Access to Information) Act 1985 which has encouraged a climate of openness to its own records. We also encourage depositors not to transfer closed material, where possible, and we try to persuade them to open records which are transferred. However, we do accept collections with a 30 year rule and sometimes a longer period, usually because of data protection implications or commercial confidentiality. The Freedom of Information legislation has encouraged users of archives to perceive that the government is committed to opening up information to researchers for whatever purpose. The several exemptions to disclosure of information which are contained within the Act ensure that there are ways of protecting information for any number of reasons. The retention of the 30 year period does seem illogical when information may be available either by a person submitting a request under the terms of the Freedom of Information Act or available more generally. If the 30 year closure is removed, it is important, however that clear guidance as to what the access process should be.

- **Benefits and risk of any change**

Benefits of a change would no doubt include ease of access to information for researchers who would be able to use the resources of TNA. The central record creating government department would see a corresponding reduction in the burden of providing access to information under the FOI Act. It is difficult to quantify how this would impact on numbers of onsite users at TNA but with the advent of more information being created and available electronically it is unlikely that this would be a major problem in the future.

Records would of necessity be transferred sooner to permanent archival storage whether centrally via TNA or locally via the places of deposit for public records. The reduction in the closure period would no doubt result in very large deposits of bulky archives (such as magistrate court records and hospital records) to local authority archives. A risk of change could therefore be taken at a local level for every local authority record office in the country which would receive over a short period an enormous quantity of records for which no provision for storage had been made. Most local authority record offices already operate under severe financial limitations and money for expansion of storage capacity is unlikely to be available at local level.

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

Planning for transition to any new arrangements should take into consideration the effects which will be felt at a local level for county record offices and not simply for TNA. If, as would seem likely, large quantities of records will be transferred to local offices the period over which this takes place should be a gradual one so that there is ample opportunity for local offices to plan the process effectively. TNA also needs to accept that local offices' acceptance of additional material will be subject to compliance with local collecting policies and circumstances.

Yours sincerely,

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