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PERMANENT UNDER-SECRETARY OF STATE

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29 February 2008

*Dear Mr Dacre*

### **REVIEW OF THE THIRTY YEAR RULE**

Thank you for your letter of 28 December inviting my views on the likely impact of any change in the 30 Year Rule on the Ministry of Defence. Since you wrote, I have had a useful discussion with James Strachan.

MOD's business is such that it generates very large volumes of records which fall to be considered for transfer to The National Archives. The first and most obvious effect of a reduction in the 30 year period would be to create an immediate backlog of files requiring review. How quickly such a backlog could be cleared would depend on the resources we were able to apply to the task, and one point your review group may want to consider is the scope for some sort of transitional period. To illustrate the scale of the problem, we estimate that a 25 year rule would bring at least 190,000 MOD files immediately into the frame for review, a 20 year rule an extra 320,000 files. To clear a 20 year rule backlog over, say, six years would, we estimate, involve an extra £2.9 million a year additional staff costs in the Ministry of Defence and a smaller figure (put at £0.6 million a year for five years) in the Atomic Weapons Establishment, which operates a separate review system.

These figures are probably underestimates, because they assume broadly the same average level of effort required to review a file; but in practice more recent files are likely to raise more sensitive issues, and therefore involve more review effort.

There are two side-effects of a reduction in the 30 year period, of which your review panel may wish to be aware. The first arises from the point I have made above about younger files raising more sensitive issues. Applying the same standards as we do now, we think it likely that we would want to redact more and to retain or close more files and individual records than we do at present. This would create more work for MOD staff, the National Archives and the Lord Chancellor's Advisory Council on Public Records and Archives, and probably increase the estimated costs given above.

The second side effect is that more records would be destroyed earlier. Only around 4% of MOD records are selected for permanent preservation at the National Archives. An earlier review period could result in many which would have survived to the 30 year point being destroyed at an earlier date if they were not selected for permanent preservation and no

longer had business use in MOD. It follows that such records would be accessible to FOI requests over a shorter period than would otherwise have been the case.

If the 30 year period is reduced, we think there would be a case for looking at ways of streamlining the process by which files are transferred to The National Archives, retained or closed, to contain the cost of review. The National Archives might, for example, wish to revisit the archival standard to which Departments need to prepare files in advance of transfer. We also think that the Advisory Council might need to meet more frequently than the current four times a year to deal with the additional volume of records requiring its attention.

I thought the best service I could offer your review panel would be to give an indication of this kind of the administrative impact on a large Department like the MOD of a reduction in the period. If it would help you to have more information, we would be glad to provide it. It will be clear from this that a reduction would be administratively burdensome, but obviously there are other issues which your panel will want to weigh carefully, including the public interest in earlier access to these records and the impact on Government business. On the latter, I would offer one point I made to James Strachan, which is that 30 years is not so very short of the length of a full civil service career, whereas 20 years is not. Entire working lives spent in the civil service are less common than they used to be, but if the period was substantially reduced we would have to reckon on documents being disclosed at a point when their authors were still active in Government service, possibly in significantly more senior roles. This could no doubt be managed, but it could also accentuate a trend towards the public "personalisation" of advice by civil servants, which I personally regret. Not perhaps a decisive factor, but one which you might want to bear in mind.

I am copying this to Alex Allan in the Cabinet Office.

*Yours ever*

[Signed on Original]

**BILL JEFFREY**

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