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Permanent Secretary  
Jonathan Phillips

Mr Paul Dacre  
Chair, 30 Year Rule Review  
c/o The National Archives  
Kew  
TW9 4DU

27 February 2008

*Dear Mr Dacre,*

### REVIEW OF THE "30 YEAR RULE"

Thank you for your letter of 28 December – and for the opportunity subsequently of a helpful conversation with James Strachan. I am grateful for the opportunity to comment on the issues raised by the review.

Rather than offering you a view on the general merits of making government records available at an earlier date than the current thirty years I am going to focus on the specific issues which arise in the Northern Ireland Office context and which need to be taken into account in introducing any change.

The first is that the history of the long conflict in Northern Ireland and the delicate nature of the settlement reached last year mean that we have a large volume of unusually sensitive records, the early release of which could cause real damage to relationships and hamper the embedding of the devolution settlement. Examples include documents detailing information given in confidence about negotiating positions within and between parties and similar information about the resolution of community disputes or measures taken discreetly to assist in building community confidence. The current exemptions in the FOI Act relating to the release of designated historical records offer less comfort than they do when applied to more recent information simply because their range and force is diminished.

This is not to say that the NIO cannot operate within a shorter period of protection than 30 years, but the shorter that period the greater the risks outlined above.

The second issue concerns the resource consequences of any change. Our very sensitive records require thorough checking before release. Their sensitivity means that we could not conceivably respond by reducing the scope of our pre-release review. Past experience has shown that even seemingly innocuous files can contain highly sensitive records. To give one illustration: a file on industrial subsidies was found by the reviewer to contain an intelligence report and information identifying a particular agent.



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Our current resource commitment to pre-release checking, under the 30 year rule, is around £125,000 per annum. If 30 became 20, for example, and the additional ten years' papers had to be available, say, within a year, this would cost an additional sum of the order of £1.8m. This is an inconceivable burden for the Department to bear. The impact would represent over 25% of the running costs of the NIO as it will be when the process of devolution in Northern Ireland is complete.

A 15 year rule would have even more significant resource implications, if introduced on the same basis; we estimate around £2.8m.

There is also the question of finding the skilled people to take on the task, particularly at a time when others in Whitehall would be seeking to recruit from the same pool. This issue is more acute for the NIO as effective pre-release checking requires direct experience of the situation in Northern Ireland properly to understand the sensitivities and possible consequences of release. Thus if the review concludes that a reduction is desirable, the manner and timescale of its introduction will become critical issues.

In my view, therefore, the resource consequences of any change point towards the longest possible transition. And any reasonable transition from 30 years to a lower limit will require additional resources.

*Your sincerely,*

*Jonathan Phillips*

**Jonathan Phillips**