



**The Association of Departmental Records Officers**

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By email: [Secretary@30yearrulereview.org.uk](mailto:Secretary@30yearrulereview.org.uk)

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Dear James,

1. Your letter of 4 March invited ADRO members to submit views to the review of the 30 year rule under the Public Record Act. While it has not been possible to consult all of the membership, the Executive Committee has agreed the following statements.

## **2. Headlines**

- **Workload** – A reduction of the Point of Transfer (POT) to 20 years can be accomplished with existing staff resources, once the period of transition to move from 30 years to 20 years has been completed; it is impossible to estimate precisely the resource implications at this time.
- **Sensitivity** – sensitivity reviews affect some Departments more than others, but a reduction to 20 Years could impact on the pool of experienced and available reviewers and what is transferred open.
- **History** – we foresee a risk of history being crowded with a range of smaller events. To ensure the most important material is protected, TNA will need to devote resources to a more comprehensive set of Operational Selection Policies (OSP's).
- **Redaction** – with an earlier point of transfer we envisage far more blocking out will be required, together with a heavier workload of consulting those identified.
- **Digital Information** – digital records have not been subject to the same disciplines as traditional paper records and there is urgency for this to be brought under control, so that appraisal techniques will work in the future.

## **3. Workload**

- 3.1 Public Record Bodies (PRBs) are not always able to appraise and transfer business records for transfer to The National Archives (TNA) in advance of their reaching the current POT. Current resources may be sufficient to meet the actual level of transfer work required, year on

year, but earlier backlogs and the absence of good record management in earlier decades means that review teams are forever coping with a backlog of cleansing and destruction before being able to concentrate on the real ‘nuggets’ that will become part of the permanent history.

- 3.2 PRBs have a variety of approaches to First Review. The absence or minimalisation of First Review creates the problems of excessive volumes and cleansing backlogs at Second Review. First Review was removed from resource profiles a decade ago and although there was some notional cashable savings taken out of budgets at the time the impact today is that twice as much resource is being committed to second review than would otherwise have been required.
- 3.3 A reduction of the POT would, in the absence of any other changes, such as resolution of the legacy left by bringing First Review to an end, in most cases require significant resource increases to handle the transition period. Simple estimates of current resources show that the volumes of activity required for a reduction to 20 years would require a trebling of review resources for an assumed 5 year transition period. Should transition be shorter or longer the additional resources can be extrapolated accordingly.
- 3.4 A further point on resources concerns the imminence of any reduction in the POT and how soon any transition period may commence. Where there is a significant lead time, through understanding the timetable for arranging the legislative changes, then it will be possible to set major housekeeping initiatives into place, making preparation for the transition period, reducing volumes, recruiting and training specialist staff.
- 3.5 Against this background of reducing the paper legacy, there is also the considerable challenge and resource burden of bringing the unmanaged collections of electronic information that have accumulated since the mid nineties under control before these are lost through digital obsolescence (see also paras 6.1-6.4).
- 3.6 There is an obvious assumption in all of the above that TNA will automatically increase the resources given to the Information Advisor (ex-Client Manager) role for Reviews/acquisitions. This is essential to avoid creating artificial bottlenecks that frustrate the objectives of public policy and the expectations of the public.

#### **4. Sensitivity**

- 4.1 A number of PRBs have a need to carry out extensive consultation with a range of other bodies as part of the process of sensitivity review, prior to transfer to TNA. For sensitivity review to continue to progress PRBs will need to ensure that relevant experts with full knowledge of the organisations business 15 or 20 so years ago are identified and applied

to the task. A difficulty with this requirement is that the timing of sensitivity review – 25 years after the event – conveniently attracts retired staff members with a detailed knowledge of the business. With a POT reduced to 20 years appraisal work will start to be done 15 years after the event. Those with appropriate business knowledge may not have completed their careers, and so there is concern that the pool of available reviewers including from third party organisations will become smaller at the very time there is a need for it to be larger.

- 4.2 Carrying out sensitivity review 15 rather than 25 years after the event will have a marked impact on what is then transferred open. Because of the proximity to the actual event, and currency of related operational and policy issues, as well as continuation of the individuals involves (at least being alive as opposed to continuing careers) means that considerably more will have to withheld using FOI exemptions and what is transferred open is likely to be pock-marked with redactions.
- 4.3 Even so 20 years is a sufficient duration to allow the low value/ephemeral material to fall away. Through First Review or any other process there will be time for the unwanted information to be extracted leaving the quality material that reflects significant historic and political events to rise to the surface.
- 4.4 There was an expectation that concerns about FOI would be overcome, over time, as authors realised that they were totally responsible for the quality of the information produced during their work. It was also implicit that documents being created would have content of a quality that could be justified, even defended, as it came to be disclosed to the public. There is mixed experience of any cultural change in officials behaviour, as a consequence of finding their work being publicised through FOI, so it is unlikely that there will be any improvement in the quality of material driven out by material being transferred to TNA at an earlier date (as 20 years is clearly a lot longer than the imminence of important material being made public through FOI).

## 5. History

- 5.1 We anticipate a risk of history being crowded with a range of smaller events. This may be a good thing but is certainly a consequence of taking a closer view of events making a host of minor changes stand out that might be lost over a 30 year timescale which tends to highlight the larger better known aspects of government business. Historians may need to address whether this is a risk or a benefit. Whichever it is will determine the scale of the ongoing work for appraisal and transfer. TNA needs to consider how it will provide the resources required for a stronger and more comprehensive set of OSPs; present guidance is incomplete, leading to confusion over some record areas and what is of interest to the public or historians. TNA should therefore aim to establish a more dynamic programme of OSP work to minimise local

confusion and ensure that the most important material is protected, within the PRB, at the soonest date.

## **6. Digital**

- 6.1 The practical issues faced by DROs, in the work of appraisal and transfer to TNA, are almost all focussed on paper records. The digital age has not really hit the 30-Year workload although it is anticipated. For most PRBs the earliest likely digital records would be from the mid-1990s with all of them having extensive business information held in digital form from 2000 onwards.
- 6.2 Procedures for handling paper records have been developed over decades, stand the test of time, and they work. There is no real example of how current processes will transfer to digital records. A macro-appraisal approach has been developed to address the basic problem of sorting through huge volumes of digital objects in preparation for appraisal and review. But the main difficulty for most PRBs is that the excitement of desktop PCs a decade ago created a headlong rush from the standards for managing records that had worked so well with paper. The result is that departmental networks have millions of digital objects without any structure, metadata, age information, or any useful way of identifying what they are before being taken through macro-appraisal.
- 6.3 There is therefore an urgent need for digital records to go through immediate housekeeping and holding within structures to give the faintest prospect of appraisal techniques being able to work.
- 6.4 We have no confidence that most PRB's are in a position to appraise digital records in line with a reduced POT.

## **7. Redaction**

- 7.1 Redaction is a substantial task requiring extensive resources tied to full understanding of the need to apply FOI exemptions to justify any redaction. For reasons mentioned before there is expectation of there being extensive redaction at any earlier POT than currently happens at the 30-Year point. Previous information owners have often moved on from the events held in records and do not need to be consulted about possible release and, given the passage of time, only the most particular data protection issues would need to be identified and marked out. With a reduced POT far more blocking out will be needed, together with the heavy burden of consulting those identified.

## **8. LCIs**

- 8.1 As a consequence of all of the above the current process for applying for LCIs to validate use of FOI exemptions and material being kept closed will escalate hugely. We consider that a wider range of

administrative extensions needs to be established in recognition that 20 years will be the normal period for a swathe of case files and it would be a nonsense to have those subject to LCIs in the future.

- 8.2 In addition to having more administrative extensions there could be a range of generic LCIs in support of the normal business of departments to avoid unnecessary bureaucracy. Given the present burden of transfer applications being fed through the Advisory Council we also take the view that TNA should seek degrees of delegation such that transfers can be agreed with Information Advisors, this being the normal course of quality assurance for all transfer material anyway, with escalation to the Advisory Council only where there is disagreement between TNA and the PRB.
9. Please let us know if you have any questions about this response, or if we can help the review with any further information.

**Association of Departmental Record Officers**

**Executive Committee**

Alan Glennie, Cabinet Office

Mike Kaye, Department for Environment, Food and Rural Affairs

Tim Murray, Department for Communities & Local Government

Marlize Palmer, Welsh Assembly Government

Adrian Towers, Department of Work and Pensions

Richard Thompson, Home Office

Steve Wells, Department of Health