

The British Academy



Review of the 30-year rule

Introduction

1. The British Academy welcomes both the opportunity to contribute to the Review of the 30-year rule and the establishment of the Review itself.
2. The British Academy seeks to champion the interests of research in the humanities and social sciences, and is composed of eminent scholars who are elected to its Fellowship on the basis of their scholarly standing and achievement. A significant number of Academy Fellows have an interest in the issues raised in the consultation about access to the historical documents covered by the 30-year rule. The rule impacts on the way in which they gain access to, and use, contemporary historical material.

Main points

3. In summary, the Academy recommends that:
 - the 30-year rule should be revised, because it is an impediment to the development of historical research.
 - the rule should be set at 20 years, provided that the current safeguards and exemptions remain.
 - careful consideration should be given to the cost of any changes that are implemented, and steps should be taken to ensure that the process is properly resourced.

Revising the 30-year rule

4. The Academy considers the current 30-year term to be an obstacle to historical research. While the introduction of the Freedom of Information Act has removed some of these obstacles, it has also led to inconsistencies where some records are available and others are not. The Freedom of Information Act enables the public to apply for earlier opening of any file before the end of the 30-year term, provided that it is not covered by the Act's exemptions. As the Prime Minister Gordon Brown said in a recent speech on liberty:

"It is an irony that the information that can be made available on request on current events and current decisions is still withheld as a matter of course for similar events and similar decisions that happened 20 or 25 years ago."

5. The British Academy shares the Prime Minister's view that this anomaly should be addressed.

Setting the rule at 20 rather than 30 years

6. The Academy favours reducing the period of the rule from 30 to 20 years, provided that the current (and necessary) safeguards and exemptions that are embodied in current Freedom of Information legislation remain in place. We do not consider it necessary to introduce further caveats about retention.

Resource implications

7. The Academy also recommends that careful consideration be given to the resource implications of any changes that are introduced. It is essential that the process is properly resourced, with the staff required to ensure that there is a high standard of record-keeping, preservation and selection of the historical documents. The implementation of the Freedom of Information Act in 2005 put these limited staff resources under considerable strain. The experience of our Fellows was that problems and delays occurred, because there were too few people in place to handle the additional work that was created.

Further information

8. We hope that these brief comments are helpful to the Review Team. The Academy would be happy to discuss any of the points in more detail.

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