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30 Year Rule Review
c/o The National Archives
KEW
TW9 4DU

By email: secretary@30yearrulereview.org.uk

29 February 2008

A handwritten signature in black ink that reads "Paul Dacre". The signature is written in a cursive style and is placed on a light-colored rectangular background.

Your letter of 28 December 2007 invited me to submit Defra's views (including those of its Executive Agencies and NDPBs) to the review of the 30 year rule under the Public Record Act. We have therefore consulted with the group listed at Annex A.

Before addressing your specific questions, I would like to offer some more general comments and background on Defra's approach to the current 30 year rule. Defra has long supported government transparency: we sponsored the Environmental Information Regulations 1992 giving rights of access to environmental information well before the Freedom of Information Act, and are responsible for supporting the UK commitment under the Aarhus Convention to take steps to increase public access to such information.

Until recently only a very small proportion (between 1% and 2%) of the information generated by the Department and its predecessors has been considered of sufficient long term historical interest to merit selection and preservation in the National Archives. However, over the last decades we have seen a significant increase in the volume of material we generate, particularly in electronic form. In addition, Defra is now responsible for considering scientific evidence, and developing policy, on an increasing number of significant issues (including climate change and sustainable development). Together with our continuing responsibilities for animal health issues these generate significant amounts of information suitable for long term retention, and so we might expect out percentage of information that merits preservation to rise in future.



So that we can maintain Defra's contribution to the Government's corporate memory we have, therefore, had to look for new ways and more efficient methods of identifying material for long term preservation, which we are already implementing in our new single review process. Rather than employing the traditional "Grigg" system of 2 stage review process at 10 and 25 years we now conduct a single review process in liaison with the business area and the National Archives at 7-10 years setting a disposal/transfer decision to any material (paper or electronic) that is retained beyond that time. Single Review is research based therefore improving accountability and the earlier review date is crucial to managing electronic records which might otherwise be lost through digital obsolescence.

At the same time we have, like other public authorities, also been responding to large numbers of requests for specific items of environmental and other information. However these requests are mainly driven by more contemporary concerns. Few, if any, call upon the kind of material that would be transferred to the National Archives even if the 30 year rule were extremely drastically reduced. We therefore see meeting the needs of the future and meeting those of the present as very distinct tasks, and our first point of principle is that we think it essential to maintain a significant degree of separation between decisions on contemporary release and those relating to the selection and retention of material contributing to the Government's corporate memory as maintained by the National Archives.

Our second point of principle is that we consider that it could be premature to make very major changes in the timing and nature of decisions on historical preservation until we have seen the full impact of the Freedom of Information regime. Despite the passage of time since FOIA, we are only now seeing the limits of FOI exemptions being more clearly established. As case law is still being developed on an almost weekly basis we cannot yet say with any certainty what contemporary information will in future be released under this regime. However it seems likely that an increasing proportion of the demand for contemporary government information will be met through such releases and certainly far more than could be satisfied by a reduction in the age of the material of long term interest made available through the National Archives.

Turning to your specific questions, I can confirm that Defra would have no difficulty in principle with a reduction from 30 years to 20 years. Because of the work we have been doing to streamline records review processes Defra should also have relatively little difficulty in practice in bringing forward the processing of files, provided we were given sufficient (at least 5 years) notice and funding to cover our additional costs. Some of the smaller agencies in the Defra network without dedicated review teams would, however, find this more difficult as would Natural England because they have not yet fully assimilated all the records of their three predecessor bodies. Most delivery bodies would also require temporary additional resource to cover the extra review workload and logistical overheads.

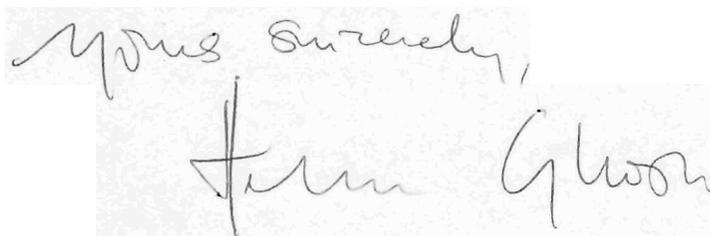
Across the Defra Network we estimate that a reduction to 20 years would necessitate the accelerated review of circa 370,000 files. Of these we would expect around 2% would be transferred to the National Archives, a further 5% retained for ongoing business use with the remaining 345,000 scheduled for authorised disposal. We would estimate that the additional resource requirement for Defra and its delivery bodies over a 5 year period to be of the order of £1.7m (made up of £920k staffing and £790k for secure disposal and transfer costs).

Defra would, however, have increasingly serious concerns about any immediate reductions beyond this. This is partly for logistical reasons but also because of the additional work that would be needed to consider extended closure of more recent material and the difficulty in handling the electronic information which started to be generated in volume some 10 to 15 years ago.

Some of these concerns could be at least partly addressed by staging any further reductions over a much more extended period. This could allow time to establish the interim digital preservation service planned by the National Archives and to implement the new ways of identifying electronic material for release, long term retention, or for extended closure, while at the same time prompting and supporting cultural change towards more considered information and records handling and for timely purging of data where a defined business or historical reason for retention cannot be identified. .

Any reduction below 15 years would however also bring into play information relating to current politicians and senior officials, and more information whose release could affect other living individuals or commercial concerns. Decisions to destroy, release or protect such information would be more sensitive and require more resources and awareness of current events and policy concerns. And such sensitivities could also impact adversely both on the selection of historical material for deposit in the National Archives and on decisions on extended closure. We would argue that ten years or less would be too short a time to develop the historical perspective to make appropriate acquisition decisions.

Please let me know if you have any questions about this response or if we can help the Review with any further information about our review methodology.

A handwritten signature in cursive script, appearing to read 'Helen Ghosh', written in black ink on a light-colored background.

HELEN GHOSH

ANNEX A

List of Defra bodies consulted:

Executive Agencies:

Animal Health Agency
Central Science Laboratory;
Veterinary Laboratory Agency;
Veterinary Medicines Directorate
Forestry Commission
Rural Payments Agency;
Pesticides Safety Directorate;
Centre for Aquaculture Science and Environmental Fisheries;
Commission for Rural Communities;
Marine Fisheries Agency.

NDPBs:

Environment Agency;
Natural England