

Confidential filing

A study of recent leaks.

SB
831

SECURITY

January 1980

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
18.1.80							
6.2.80.							
7.2.80							
22.1.80							
4.8.80							

PREM 19/357

CONFIDENTIAL



file 116
Security

10 DOWNING STREET

From the Principal Private Secretary

SIR IAN BANCROFT

LEAKS

I have shown the Prime Minister your minute of 31 July 1980 about the Morrison Report on Leaks.

She has written to her colleagues on the lines of the draft attached to your minute, and I now attach a copy of her letter.

I am sending a copy of this minute and of the Prime Minister's letter to Sir Robert Armstrong.

C. A. WHITMORE

4 August 1980

CONFIDENTIAL

AP

file AB



10 DOWNING STREET

THE PRIME MINISTER

4 August 1980

Dear Willie:

I mentioned in Cabinet on 7 February that I had agreed that a review of recent unauthorised leaks of Government information and of our methods of dealing with them should be undertaken. That review is now complete, and I attach a copy of the report.

Its conclusions are not particularly far-reaching, but taken as a whole they should, if rigorously implemented, give some hope of significant improvement at little administrative cost. The only recommendation about which I had reservations is that which suggests that there should be a Ministerial statement (paragraph 27). I have no doubt that it would be inappropriate for anyone other than a Minister to make such a statement, but on balance I feel that, despite the attractions, such a statement would be regarded by the press and the media as provocative and I have therefore decided against it.

I have invited Sir Ian Bancroft to begin implementation of the other recommendations, and he will shortly be writing to those Permanent Secretaries in charge of Departments who participated in the review.

For obvious reasons, I am particularly anxious that the report should not be copied further in Departments and that its circulation should be kept to the absolute minimum. I should be grateful, therefore, if you could ensure that it is treated as if it were a Limited Circulation Annex to Cabinet Conclusions.

/I am

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TREAT LIKE "LIMITED CIRCULATION ANNEX"

- 2 -

I am sending copies of this letter to all other members of the Cabinet, the Minister of Transport and the Attorney General.

*Y
Lowe*

*Ray
_____*

The Rt. Hon. William Whitelaw, C.H., M.C., M.P.

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TREAT LIKE "LIMITED CIRCULATION ANNEX"

LB

LEAK ENQUIRY

1. The enquiry into recent leaks of classified information has now been carried out. The terms of reference are at Annex A.

2. At Annex B is a factual note analysing the leaks that have been reported since May 1979. The conclusions also take into account the lessons to be learnt from some significant earlier leak enquiries. Very few of the leak enquiries have established with any certainty how and why the leak occurred; the conclusions, which are set out in paragraphs 3 to 16 below, are therefore, of necessity, based largely on impressions and suppositions rather than on hard evidence. More detailed comments and recommendations are in paragraphs 17 to 39.

CONCLUSIONS:

3. To keep matters in proportion it is important to recognise that the leaks that have occurred relate to a tiny proportion of the thousands of documents and vast quantities of sensitive information circulating within departments.

4. Nevertheless, any leak of important information, particularly about future government policies, is one too many, and a series of leaks can be extremely destructive to confidence between Ministers and officials. If confidence is undermined it could lead in time to the loss of the smooth flow of information among those who need to know that has hitherto existed within the Government machine and has made a most valuable contribution to its efficient operation.

5. It is a particularly disturbing and relatively new feature that most recent leaks have involved documents (including some Cabinet Office papers). Such leaks are more damaging than oral leaks, because they are so much more specific and circumstantial. They ought also to be easier to prevent and to investigate. Oral leaks, whether deliberate or due to carelessness, can in no way be condoned, but it is doubtful whether they have occurred any more frequently than in the past.

6. There would appear to be no evidence at all of any kind of subversive plot or any connecting link indicating a continuing common source or sources for the leaks. Nor, with the exception of one group of three connected cases and possibly one other, is there evidence that Staff Sides are a significant source of leaks to the media, though Staff Association officials almost certainly receive a good deal of unauthorised information from their members.

7. The leaks have been scattered among a variety of newspapers, and there is no current evidence of a regular flow of information to any individual newspaper or journalist, though certain correspondents or newspapers seem to concentrate their efforts on particular departments over a period of time; there are also two or three notorious journalists who try to claim that they have some special access to information. On the other hand, the 'open government' campaign, led mainly by the Guardian and the Sunday Times with 'Time Out' assisting, has undoubtedly provided a particularly favourable climate for leaks. Moreover those who want to leak must now realise that personal contact with the Press is not necessary; a plain envelope through the post is a virtually risk-free method.

8. Although the source of accidental leaks and indiscretions have on occasion been identified, no perpetrator

of a deliberate leak has ever been brought to book so that disciplinary action could be taken. On rare occasions it has been possible to transfer to other work individuals on whom suspicion has fallen. By far the most effective deterrent would be one successful investigation resulting in dismissal.

9. Apart from the few cases involving indiscreet Special Advisers, on which some action has already been taken, the evidence is too inconclusive to establish the source of most leaks, but there seems a fair degree of probability that deliberate leaks are more likely to come from middle or junior members of the staff with relatively rare access to sensitive documents; in only one or two cases has any suspicion centred on senior staff.

10. Judging by the material leaked, the principle motivation is less likely to have been political in the party political sense than to have arisen from a strong social conscience or enthusiasm for the preservation of the environment which, encouraged by the press campaign on 'open government', a very few individuals have evidently thought sufficiently impelling to override their obligations of loyalty to the government of the day and the Service. There is no evidence whatever of a financial motive for leaks.

11. Departments differ greatly in the degree of risk to which they are subject as well as in the extent to which it would be practicable and sensible to impose more stringent controls. For example in some departments, CONFIDENTIAL documents are rare and this classification gives some real protection; in others they are extremely common and such a marking is a very weak safeguard.

12. If protective measures are to have much chance of success they must be concentrated on those documents and matters the leaking of which would be really damaging. The present security guidance system is not altogether well geared to achieve this in the case of politically sensitive documents and could with advantage be adapted to do so. The corollary of this approach is that a much more relaxed attitude should be adopted to minor leaks concerning relatively unimportant matters.

13. There is no panacea that will prevent leaks taking place. At best a variety of protective measures could reduce both the number and the significance of the leaks that occur.

14. In the last resort the only real protection lies in the loyalty and sense of responsibility of individual civil servants; the present state of industrial relations in the Service does not provide a favourable climate for fostering these virtues.

15. The existing leak procedure no longer meets the requirements of current circumstances; it is misdirected in several respects and requires revision. In particular it should recognise that personal questioning of individuals is far more effective than the filling in of questionnaires.

16. The recent judgment of the Court of Appeal concerning Granada TV's publication of BSC documents might have some relevance to the Government being able to discover the source of future leaks where the source was known to the media. Leaks of Government documents, however, are different from leaks of private documents because they may amount to criminal offences both by the giver and receiver under Section 2 of the Official Secrets Act. The

principles of the Granada case may not, therefore, be readily applicable to our cases. In any event, it is too early to assess the case since Granada have appealed to the House of Lords.

DETAILED COMMENTS AND RECOMMENDATIONS:

(a) Physical security

17. In order to give more effective protection to documents and information that really matter the first requirement is to narrow the field to manageable dimensions. Documents principally meriting protection against leaks and on which departments should concentrate special efforts seem to be:

- (1) Cabinet Office papers and minutes
- (2) Inter-Ministerial correspondence
- (3) Departmental papers relating to the development of important government policies and consideration of sensitive policy options.

18. The security classification system should be such as to facilitate this narrowing of the field, particularly for the third category which is difficult to define. But the existing system was devised to protect "national security" in the traditional areas of defence and international relations. Although it formally covers information "requiring protection because unauthorised disclosure would lead to political embarrassment hampering good government" classification is not primarily directed towards this area in which leaks have most often occurred and, with

one or two exceptions, the examples given of the types of documents justifying the various levels of classification give little indication of its importance.

19. It would be desirable for the system to cover politically sensitive material more specifically and extensively through the use of CONFIDENTIAL and, for matters of exceptional importance, SECRET; suitable examples should be given to achieve this. More use should also be made of the RESTRICTED classification which is specifically intended for "Information and material the unauthorised disclosure of which would be undesirable in the interests of the nation" and therefore seems well designed to identify some of the less important but nevertheless troublesome information liable to be leaked; but at present this classification is rarely used. It was suggested that to have classification markings printed across the text might make them more effective, but this would be expensive and there is some doubt about its general utility though special markings across the text may have uses in particular circumstances.

20. The adaptation of the existing classification system to serve rather better as a safeguard against leaks seems greatly preferable to the further elaboration of an already complicated system by the introduction of some new marking such as "Policy-in-Confidence" which might even simply act as a magnet to the potential leaker.

21. Classification by itself does not achieve a great deal. It should serve to identify politically sensitive documents requiring special protection against leaks, but the appropriate protective measures must then be strictly applied in the handling of the documents themselves. Some

suggestions for improving matters in this respect are made in Annex C; they are not in essence new but might well be commended to departments for a thorough review. By far the most important is a rigorous application of the 'need to know' principle.

22. Although in a sense the photocopier is the villain of the piece, it does not seem likely that any further measures to tighten up the control of photocopiers beyond those which departments already operate would improve matters in a way that would be in the least comparable with the extra costs and inefficiency involved. Outside copying is too easy an alternative for the really determined leaker. Nevertheless, everything possible ought to be done to discourage unnecessary copying, particularly of classified documents, and departments might usefully review their existing arrangements.

23. In addition an identifying device will shortly be available for fitting to photocopiers which marks the documents copied in such a way that they can be traced back to a particular machine. The knowledge that this can be done should be a worthwhile deterrent to the less determined potential leaker and, if an initial cost of the order of £150,000 can be accepted, it seems desirable to fit this device to all photocopiers in headquarter buildings handling significant numbers of sensitive documents.

(b) Personnel security

24. Vetting must not be expected to make a direct contribution to preventing leaks as it is rightly aimed at different targets, but it can be useful in providing a general, though not a specific, indication of reliability in relation to potential leakers.

25. Reliance must be placed on the disciplinary code to deter leakers as Section 2 of the Official Secrets Act appears now to be of little practical value and it seems worth considering whether the existing Official Secrets Act declaration signed by all new entrants should be re-worded to emphasise that the unauthorised disclosure of official information is also a disciplinary offence.

26. Training courses, and particularly induction training, should stress the importance of civil servants preserving their employer's confidence and explain the reasons why this is as necessary a feature of government as it is of private employment.

27. As there may be some confusion in the minds of relatively junior staff, it might be desirable, from the point of deterring leaks, to bring home, by means of an authoritative Ministerial public statement:

(a) that the extent to which 'open government' is to be practised is a matter for the government of the day and not for the private judgment of individual civil servants;

(b) that anyone caught deliberately leaking the contents of classified official documents may expect to be dismissed.

It is recognised, however, that there may well be broader considerations that would make such a statement inappropriate at the present time.

(c) The Media

28. The media's interest in encouraging leaks might conceivably diminish if they were persuaded that the Government was wholeheartedly in favour of more open

government, but there will, in practice, always be a large gap between what the media would regard as reasonable openness and what any government is likely to tolerate - particularly as regards policies in the process of formulation. They would certainly be highly critical of a statement on the lines suggested in paragraph 27, though it might have a better reception if forming part of some fresh initiative towards a policy of publishing more information.

29. A liberal policy of unattributable briefing of specialist correspondents (including Whitehall specialists) could reduce their incentive to look for leaks, but will not help with those who deliberately seek out leaks for their own sake.

(d) The Leak Procedure

30. To emphasise their importance, major leaks should continue to be dealt with at Permanent Secretary level under the aegis of the Chairman of the Official Committee on Security. It is not easy to define a 'major' leak, and there must be an element of judgment in particular cases, but essentially it should cover the types of documents referred to in paragraph 17 and related information.

31. The instructions should be revised to place the main emphasis on documentary leaks.

32. Investigating procedures should be geared primarily to oral questioning of those involved. Questionnaires should only be used exceptionally, eg when a document has had too large a circulation for any other method to be practicable. The specimen questionnaire does not now seem to ask the right questions and should be revised or perhaps done away with.

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Copy No ²⁴ of 45

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33. CSD should keep a central information bank on the case histories of all leaks. It should be kept outside the normal filing system and strictly limited access to it allowed, so that neither the Security Service nor departments need have any inhibitions about disclosing all relevant material. This implies not only that departments must report fully to CSD the detailed material thrown up by their leak investigations into major leaks (this often does not happen at present) but that they should also report to CSD at a lower level particulars of minor leaks. Minor leaks of classified documents should always be investigated by departments; this may provide clues to possible sources of future leaks.

34. To ensure a more professional standard of investigation of leaks a central panel should be established under CSD auspices which should include individuals experienced in interrogation techniques (eg ex-policemen, retired Inland Revenue or Customs investigators or ex-members of the Security Services).

35. Members of the panel should operate for a particular enquiry under the control of the Permanent Secretary of the Department or departments concerned and in close collaboration with the Department's own staff, but they should be under CSD management to ensure that useful information arising from investigations is systematically funded and available to be drawn on by all departments as recommended in paragraph 32.

36. The calling in of panel members should be by agreement between the Head of the Home Civil Service and the Permanent Secretary concerned, but departments would be expected to use the panel in all major cases where thorough investigation appears profitable. In all cases the essential feature is quick reaction.

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37. Some departments - eg FCO, Inland Revenue and Customs and Excise - may obtain better results by using their own staff, but should still seek advice from the central panel, and would have access to centrally held information.

38. Except where there is clear evidence of a criminal offence such as corruption or theft, calling in the police is unlikely to be the most effective way of investigating leaks, though this is for the Attorney General to decide as any leak may involve a potential offence under Section 2 of the Official Secrets Act. The use of the police produces more of a rumpus and may occasionally be thought necessary in special cases, but it may well be counter-productive in building up a defensive resentment amongst staff concerned. Unless they lead to a prosecution police investigations have great disadvantages. They cannot be controlled by the department; and the police report is unlikely to be made available; evidence will not therefore be provided which could be used in disciplinary proceedings.

TERMS OF REFERENCE

- (a) To examine:
 - i the reports of leak enquiries since May 1979;
 - and ii the material available in CSD and Departments on leaks which were not the subject of formal leak procedures.

- (b) To take such further evidence from Departments and from enquiry officers as may be necessary.

- (c) To report on any factors which appear to be sufficiently common to a number of recent leaks as to justify further examination and consideration in particular of:
 - i whether existing procedures for the handling, reproduction and protection of sensitive material need further tightening, and if so by what specific measures;
 - ii whether the existing procedures for dealing with apparent unauthorised disclosures of sensitive information are still appropriate to current circumstances, and if not in what ways they should be altered.

SUMMARY OF LEAKS REPORTED SINCE MAY 1979 UP TO AND INCLUDING MARCH 1980

There were 22 leaks which came to CSD's attention during the period of the review through letters to Sir Ian Bancroft from the Permanent Secretary involved. In 4 of these the loss of information must actually have occurred during the previous administration. Of these 22, it was decided in 4 cases to hold no investigation, 2 investigations are still pending, 2 were successful, 2 were handed over to the Police and there are 7 Investigating Officers' reports, or summaries of those reports, on CSD files. This leaves 5 cases in which some kind of investigation was carried out but no detailed report rested in CSD files. (Most of these reports have, in fact, been picked up from Departments in the course of the present review).

Of these 22 leaks it would appear that 17 involved the loss of an official document and 5 involved oral indiscretions. Of the newspaper articles concerned, 2 produced photostat copies of the documents, 12 quoted or paraphrased the information received with some degree of accuracy, and the remainder were articles based on information obviously illicitly received.

Of the 17 recorded investigations, 9 were purely internal, 3 were formal internal enquiries (2 involving outside investigators), 2 were informal inter-departmental investigations (1 taken on by an outside investigator) and 1 involved the Police from the start. The formal internal investigation not involving an outside man was also handed over to the Police. Of the 15 investigations completed, the culprit was found in 2 cases (both non-malicious, one involving a Special Adviser, the other an SEO at MSC) and 5 more led to suspicion falling on an individual or on a

small group (in 3 cases the suspect was a Special Adviser - two of them pointed to one Special Adviser of the previous administration); the other two cases pointed to the same group of suspects in Inland Revenue. Both the successful investigations were internal. Of the 5 near-successes, 2 were handled by the Police (but the major breakthrough was in fact achieved by the internal investigation beforehand), one was internal and two involved an outside investigator.

The classification of the original material was as follows: One involved SECRET material, though dating back to May 1977, 15 involved CONFIDENTIAL material, the remaining 6 were unclassified, although two carried privacy markings. None of the information was RESTRICTED.

Most of the leaks involved every-day official working papers such as drafts, minutes on policy options, internal minutes and instructions etc. But one involved the reproduction of Cabinet Committee minutes, 6 involved draft or final Cabinet or other Committee material (although none apparently lost from the Cabinet Office) and 1 another important meeting, 3 involved Ministerial correspondence (one in the last administration), 4 revealed confidential draft or final high-level advice to Ministers, and 2 could be regarded as COMMERCIAL IN CONFIDENCE.

In one of the cases, the motive was unclear. In the remaining 21 it could broadly be described as political in that the information concerned some aspect of national government policy, the unauthorised disclosure of which could have a bearing on political decisions, or was plainly aimed at embarrassing Ministers or senior civil servants, or concerned "public interest" type information (ecology, transport etc).

It is arguable that 4 of the leaks might have involved information which would have been protected by the Protection of Official Information Bill. But it seems probable that only 2 instances would clearly have been prosecutable if the legislation had been passed - both the COMMERCIAL IN CONFIDENCE cases.

Although only 7 cases led to the discovery of a culprit, or the near-discovery of one, it is possible to narrow some of the other enquiries down, and to say that 4 cases (including one non-malicious one) seemed to involve Special Advisers, 4 (including a group of 3 linked together) seemed to involve the Staff Side in some capacity, 1 seemed to point to the involvement of a relatively senior official and 3 involved middle-ranking officials (HEO, SEO). Two might have involved ex-employees (one Special Adviser).

In addition to these 22 cases, we have enquired of 7 major departments how many cases were not reported to CSD in the same period. There were 16 such, of which 10 were investigated in some form or other. One of these investigations led to suspicion falling on an individual. Of these 16, 7 appeared to involve oral leaks and 3 appeared to involve documentary leaks. Two are unclear, three turned out to be not leaks at all, and one investigation is still in its early stages. Two of the 16 involved non-malicious Staff Side indiscretions.

SPECIAL PROTECTIVE MEASURES

1. The existing rules for handling Cabinet Office Ministerial Committee papers and minutes which are based on the Houghton Committee report, should be strictly enforced.
2. The distribution within departments of Cabinet Office official Committee papers and minutes and inter-Ministerial correspondence should be properly controlled and limited so far as practicable.
3. Special attention should be given to the security or privacy classification of inter-Ministerial correspondence.
4. Each department should make arrangements to ensure that where certain subjects or categories of policy documents are of exceptional sensitivity and require special protection, they are identified as such. They should then consider whether special measures over and above those required by their security classification are justifiable and practicable.
5. The kind of special measures, any or all of which might be considered in cases of this kind contemplated in paragraph 4, are:
 - a) Restricting circulation to a list of named individuals;
 - b) Numbering each copy of a paper;
 - c) Forbidding or restricting re-copying; where numbering is used any copies must be re-numbered;
 - d) Putting a special stamp in colour across the text.
6. Some departments handling large numbers of classified papers may see advantage in arranging for 'Unclassified' documents to be marked as such, thus obliging the originator to think in each case whether or not classification is required.
7. The "need to know" principle must be applied rigorously to all documents that are classified or bear a privacy marking.



MR C A WHITMORE

Handwritten initials

LEAKS

... Thank you for your minute of 22 July. I attach a draft of a letter for the Prime Minister to send to her colleagues, and sufficient numbers of the report to enclose with the letters.
 ... I do not feel that the report merits a classification higher than CONFIDENTIAL, but, because of the Prime Minister's anxiety that circulation should be kept to the absolute minimum and that no copies should be made in Departments, I have arranged for all copies of this, unattributed, version to be numbered.

The draft suggests that the Prime Minister might invite colleagues to treat the report and the covering letter as if it were a Limited Circulation Annex to Cabinet Conclusions; if you agree, I suggest that the covering letter should include a similar warning at the top of the front page so that there can be little risk that the Prime Minister's instructions might go unheeded in any Department by those who come to handle the letter before it is seen by the Private Secretary or the Minister himself.

When the Prime Minister has written, I shall write to the Permanent Secretaries concerned.

I am copying this minute to Sir Robert Armstrong.

Handwritten initials: JRB

Prime Minister.

IAN BANCROFT
 31 July 1980

When you saw Sir Nicholas Morrison's report on leaks you agreed that you would consider it to Cabinet colleagues yourself. You said, however, that you wanted its distribution kept to an absolute minimum. The attached letter for you to sign has been drafted accordingly.

Handwritten signature: JRB

Handwritten number: 1 viii

TREAT LIKE 'LIMITED CIRCULATION ANNEX'

typed 1/8
VP

DRAFT LETTER FROM THE PRIME MINISTER TO:

CH

The Rt Hon William Whitelaw MP
Secretary of State for the Home Department
50 Queen Anne's Gate
LONDON SW1

Should be underlined

I mentioned in Cabinet on 7 February that I had agreed ^{but} a review of recent unauthorised leaks of Government information and ^{go} our methods of dealing with them. That review is now complete, and I attach a copy of the report.

for - reviewing

Its conclusions are not particularly ~~spectacular~~, but taken as a whole they should, if rigorously implemented, give some hope of significant improvement at little administrative cost. The only recommendation about which I had reservations is that ^{was} ~~that~~ ^{suggesting} ~~that~~ (in paragraph 27) there should be a Ministerial statement. I have no doubt that it would be inappropriate for anyone other than a Minister to make such a statement, but on balance I feel that, despite the attractions, such a statement would be regarded by the press and the media as provocative ~~and~~ and I have therefore decided against it.

I have invited Sir Ian Bancroft to begin implementation of the other recommendations, and he will shortly be writing to those Permanent Secretaries in charge of Departments who participated in the review.

For obvious reasons, I am particularly anxious that the report should not be copied further in Departments and that its circulation should be kept to the absolute minimum. I should be grateful, therefore, if ^{you} ~~it~~ could ^{ensure that it is} ~~be~~ treated ~~by Private Secretaries~~

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as if it were a Limited Circulation Annex to Cabinet Conclusions.

I am sending copies of this letter to ~~those on the attached~~ ^{all other members of the Cabinet, the}
~~Minister of Transport~~ ^{list} and to the Attorney General.

- Copy No 1 The Prime Minister
- 2 Lord President
 - 3 Lord Privy Seal
 - 4 Lord Chancellor
 - 5 Chancellor of the Exchequer
 - 6 Home Secretary
 - 7 Foreign Secretary
 - 8 Secretary of State for Education and Science
 - 9 Secretary of State for Energy
 - 10 Secretary of State for Industry
 - 11 Secretary of State for Environment
 - 12 Secretary of State for Northern Ireland
 - 13 Secretary of State for Scotland
 - 14 Secretary of State for Wales
 - 15 Secretary of State for Defence
 - 16 Secretary of State for Employment
 - 17 Secretary of State for Social Services
 - 18 Secretary of State for Trade
 - 19 Chief Secretary to the Treasury
 - 20 Minister for Agriculture
 - 21 Paymaster General
 - 22 Chancellor of the Duchy of Lancaster
 - 23 Minister of Transport
 - 24 Attorney General

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10 DOWNING STREET

From the Principal Private Secretary

SIR IAN BANCROFT

LEAKS

The Prime Minister has seen your minute of 17 July 1980 with which you submitted Sir Nicholas Morrison's report on leaks.

The Prime Minister agrees that she should circulate the report to her Cabinet colleagues, as you propose, and I should be grateful for a draft letter for this purpose. She is also content for you to circulate the report to Permanent Secretaries in charge of Departments and to get on with the business of implementing the recommendations. She is very anxious, however, that the report should not be copied any further in Departments and that the circulation of those copies which go to Ministers and Permanent Secretaries should be kept to the absolute minimum. I should be glad if you could arrange for this point to be covered when the letter for the Prime Minister to send to her colleagues is being drafted.

The only one of Sir Nicholas Morrison's recommendations about which the Prime Minister has any reservations is the suggestion that there should be a Ministerial statement on leaks. She has given this proposal careful thought and shares your view that such a statement would be provocative. She has therefore decided that there should not be any statement.

I am sending copies of this minute to Sir Robert Armstrong, Sir Michael Palliser, Sir Douglas Wass, Sir Brian Cubbon, Sir Howard Smith and Mr. Beckett.

JWW

22 July 1980

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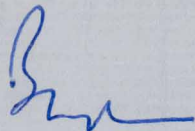
CONFIDENTIALMR. PATTISONLeaks

I have read the Leak Inquiry report and would merely like, at this stage, to comment on one aspect referred to in Para. 6.

The author there states: "I have found no evidence at all of any kind of subversive plot or any connecting link indicating a continuing common source or sources for the leaks."

You may care to consider that:

- prima facie there is a continuing common source or sources of leaks to Peter Hennessy of The Times, most notably on CCU and D-Notice matters;
- there is a fairly sustained and well established pattern of leaks of unemployment figures first in general outline to Keith Harper (Guardian) and then in accurate detail the following day or so to Michael Edwards (Daily Mail); and finally
- there is the sustained leakage of MIO and MIO (E) discussions, and in one proven case a paper, to the Guardian, mostly appearing under the name of Richard Norton-Taylor.



B. INGHAM

21 JULY, 1980

Prime Minister to



Agree:

Yes - but not to be copied to any one else in the dept. The proposed statement should be made available to be implemented, subject to your views on delaying any other statement. *MA 18/1/61*

MR C A WHITMORE

LEAKS

In your minute of 18 January you recorded the Prime Minister's agreement that a comprehensive study of recent leaks should be undertaken.

Sir Nicholas Morrison agreed to undertake the task, which he has now completed. During the course of his review he has spoken with nearly all Permanent Secretaries in charge of Departments as well as with a number of those who have been directly involved in leak investigations in the recent past, and he has had access to all the papers. ... I attach a copy of his report.

He recommends a number of measures, none of which is particularly new or startling, but in my view - which is shared by the few colleagues I have consulted - there is good hope that rigorous implementation of his recommendations, making suitable allowances for Departmental discretion on the more detailed points, would result in an effective tightening at no significant administrative cost. In this respect, and because of the effect that I suspect the review has already had in concentrating the minds of those Permanent Secretaries who have participated, I think that his work was worthwhile; indeed, I think that it has got us further than could have been expected at the outset. The report stresses that there is no panacea against the leak problem, and recognises that the only real protection lies in the loyalty of individual civil servants. Unfortunately, it takes only a disloyal few to cause damage far out of proportion to their number.

Among the principal recommendations, the Report (paragraph 27), calls for an authoritative Ministerial public statement:

- (a) that the extent to which "open government" is to be practised is a matter for the government of the day and not for the private judgment of individual civil servants;
- (b) that anyone caught deliberately leaking the contents of classified official documents may expect to be dismissed.



JUL 18 1983



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The report refers to broader considerations which might make such a statement inappropriate at the present time, and Sir Nicholas told me that he felt it was outside his terms of reference to comment further. In my view such a statement, if it is to have any effect at all, must come from a Minister and not from a senior official. But on balance, the Prime Minister might agree that the likely hostile press reception, and the risk that the statement would be regarded as a hollow threat unless we manage substantially to improve our present rate of success in investigating individual leaks, would outweigh any deterrent effect. I agree with the inference in the Report, therefore, that it might be better to delay any such statement at least until such time as it may prove possible to re-introduce legislation to reform the Official Secrets Act.

The other major recommendations are for changes in the procedure for investigation of leaks (paragraphs 30-32), the establishment of a central information bank (paragraph 33), and the establishment of a central panel of investigators experienced in interrogation techniques to assist departmental enquiries and to ensure a more professional standard of investigation (paragraph 34). There are a number of minor recommendations. There should be little difficulty for Departments in meeting any costs within existing financial and manpower constraints.

If the Prime Minister agrees, I will submit a draft of a covering letter for her to circulate the report (suitably up-dated to take account of the latest moves in the Granada case) among her Cabinet colleagues, who were informed about the review orally at Cabinet on 7 February. At the same time I would propose to circulate the Report to Permanent Secretaries in charge of Departments and to begin implementing the recommendations.

When he presented his report, Sir Nicholas was anxious, and I agree with him, that his name should not be linked too widely with this work. I would propose therefore, if the Prime Minister agrees, that the version circulated to Ministers and Permanent Secretaries should be unsigned and unattributed.

I am copying this minute (without attachment) to Sir Robert Armstrong, Mr Beckett, Sir Brian Cubbon, Sir Michael Palliser, Sir Howard Smith and Sir Douglas Wass.

IAN BANCROFT
17 July 1980



SIR IAN BANCROFT

LEAK ENQUIRY

1. I have now completed the enquiry into recent leaks of classified information which you invited me to carry out in your letter of 4 February 1980. The terms of reference as set out in your letter are at Annex A.

2. I attach at Annex B a factual note analysing the leaks that have been reported since May 1979. In reaching my conclusions I also took into account the lessons to be learnt from some significant earlier leak enquiries that were brought to my attention. Very few of the leak enquiries have established with any certainty how and why the leak occurred; my conclusions, which are set out in paragraphs 3 to 16 below, have therefore, of necessity, been based largely on impressions and suppositions rather than on hard evidence. My more detailed comments and recommendations are in paragraphs 17 to 39.

CONCLUSIONS:

3. To keep matters in proportion it is important to recognise that the leaks that have occurred relate to a tiny proportion of the thousands of documents and vast quantities of sensitive information circulating within departments.

4. Nevertheless, any leak of important information, particularly about future government policies, is one too many, and a series of leaks can be extremely destructive to confidence between Ministers and officials. If confidence is undermined it could lead in time to the loss of the smooth flow of information among those who need to know that has hitherto existed within the Government machine and has made a most valuable contribution to its efficient operation.



5. It is a particularly disturbing and relatively new feature that most recent leaks have involved documents (including some Cabinet office papers). Such leaks are more damaging than oral leaks, because they are so much more specific and circumstantial. They ought also to be easier to prevent and to investigate. Oral leaks, whether deliberate or due to carelessness, can in no way be condoned, but it is doubtful whether they have occurred any more frequently than in the past.

6. I have found no evidence at all of any kind of subversive plot or any connecting link indicating a continuing common source or sources for the leaks. Nor, with the exception of one group of three connected cases and possibly one other, is there evidence that Staff Sides are a significant source of leaks to the media, though Staff Association officials almost certainly receive a good deal of unauthorised information from their members.

7. The leaks have been scattered among a variety of newspapers, and there is no current evidence of a regular flow of information to any individual newspaper or journalist, though certain correspondents or newspapers seem to concentrate their efforts on particular departments over a period of time; there are also two or three notorious journalists who try to claim that they have some special access to information. On the other hand, the 'open government' campaign, led mainly by the Guardian and the Sunday Times with 'Time Out' assisting, has undoubtedly provided a particularly favourable climate for leaks. Moreover those who want to leak must now realise that personal contact with the Press is not necessary; a plain envelope through the post is a virtually risk-free method.

8. Although the source of accidental leaks and indiscretions have on occasion been identified, no perpetrator of a deliberate leak has ever been brought to book so that disciplinary action could be taken. On rare occasions it has been possible to transfer to other work individuals on whom suspicion has fallen. By far the most effective deterrent would be one successful investigation resulting in dismissal.



9. Apart from the few cases involving indiscreet Special Advisers, on which I understand some action has already been taken, the evidence is too inconclusive to establish the source of most leaks, but there seems a fair degree of probability that deliberate leaks are more likely to come from middle or junior members of the staff with relatively rare access to sensitive documents; in only one or two cases has any suspicion centred on senior staff.

10. Judging by the material leaked, the principle motivation is less likely to have been political in the party political sense than to have arisen from a strong social conscience or enthusiasm for the preservation of the environment which, encouraged by the press campaign on 'open government', a very few individuals have evidently thought sufficiently impelling to override their obligations of loyalty to the government of the day and the Service. I have found no evidence whatever of a financial motive for leaks.

11. Departments differ greatly in the degree of risk to which they are subject as well as in the extent to which it would be practicable and sensible to impose more stringent controls. For example in some departments, CONFIDENTIAL documents are rare and this classification gives some real protection; in others they are extremely common and such a marking is a very weak safeguard.

12. If protective measures are to have much chance of success they must be concentrated on those documents and matters the leaking of which would be really damaging. The present security guidance system is not altogether well geared to achieve this in the case of politically sensitive documents and could with advantage be adapted to do so. The corollary of this approach is that a much more relaxed attitude should be adopted to minor leaks concerning relatively unimportant matters.

13. There is no panacea that will prevent leaks taking place. At best a variety of protective measures could reduce both the number and the significance of the leaks that occur.



14. In the last resort the only real protection lies in the loyalty and sense of responsibility of individual civil servants; the present state of industrial relations in the Service does not provide a favourable climate for fostering these virtues.

15. The existing leak procedure no longer meets the requirements of current circumstances; it is misdirected in several respects and requires revision. In particular it should recognise that personal questioning of individuals is far more effective than the filling in of questionnaires.

16. The recent judgment of the Court of Appeal concerning Granada TV's publication of confidential BSC documents could improve the chances of success in tracing the source of future leaks of government documents, if only through an increased possibility of recovering leaked documents and in an unmutilated form. The implications of this case, which arose in the course of my enquiries, have not however yet been fully assessed and there may yet be an appeal to the House of Lords.

DETAILED COMMENTS AND RECOMMENDATIONS:

(a) Physical security

17. In order to give more effective protection to documents and information that really matter the first requirement is to narrow the field to manageable dimensions. Documents principally meriting protection against leaks and on which departments should concentrate special efforts seem to me to be:

- (1) Cabinet Office papers and minutes
- (2) Inter-ministerial correspondence
- (3) Departmental papers relating to the development of important government policies and consideration of sensitive policy options.



18. The security classification system should be such as to facilitate this narrowing of the field, particularly for the third category which is difficult to define. But the existing system was devised to protect "national security" in the traditional areas of defence and international relations. Although it formally covers information "requiring protection because unauthorised disclosure would lead to political embarrassment hampering good government" classification is not primarily directed towards this area in which leaks have most often occurred and, with one or two exceptions, the examples given of the types of documents justifying the various levels of classification give little indication of its importance.

19. It would in my view be desirable for the system to cover politically sensitive material more specifically and extensively through the use of CONFIDENTIAL and, for matters of exceptional importance, SECRET; suitable examples should be given to achieve this. More use should also be made of the RESTRICTED classification which is specifically intended for "Information and material the unauthorised disclosure of which would be undesirable in the interests of the nation" and therefore seems well designed to identify some of the less important but nevertheless troublesome information liable to be leaked; but at present this classification is rarely used. It was suggested to me that to have classification markings printed across the text might make them more effective, but this would be expensive and I am doubtful about its general utility though special markings across the text may have uses in particular circumstances.

20. The adaptation of the existing classification system to serve rather better as a safeguard against leaks seems greatly preferable to the further elaboration of an already complicated system by the introduction of some new marking such as "Policy-in-Confidence" which might even simply act as a magnet to the potential leaker.

21. Classification by itself does not achieve a great deal. It should serve to identify politically sensitive documents requiring special protection against leaks, but the appropriate protective measure must then be strictly applied in the handling of the documents themselves.



Some suggestions for improving matters in this respect are made in Annex C; they are not in essence new but might well be commended to departments for a thorough review. By far the most important is a rigorous application of the 'need to know' principle.

22. Although in a sense the photocopier is the villain of the piece, it does not seem likely that any further measures to tighten up the control of photocopiers beyond those which departments already operate would improve matters in a way that would be in the least comparable with the extra costs and inefficiency involved. Outside copying is too easy an alternative for the really determined leaker. Nevertheless, everything possible ought to be done to discourage unnecessary copying, particularly of classified documents, and departments might usefully review their existing arrangements.

23. In addition an identifying device will shortly be available for fitting to photocopiers which marks the documents copied in such a way that they can be traced back to a particular machine. The knowledge that this can be done should be a worthwhile deterrent to the less determined potential leaker and, if an initial cost of the order of £150,000 can be accepted, it seems desirable to fit this device to all photocopiers in headquarter buildings handling significant numbers of sensitive documents.

(b) Personnel security

24. Vetting must not be expected to make a direct contribution to preventing leaks as it is rightly aimed at different targets, but it can be useful in providing a general, though not a specific, indication of reliability in relation to potential leakers.

25. Reliance must be placed on the disciplinary code to deter leakers as Section 2 of the Official Secrets Act appears now to be of little practical value and it seems worth considering whether the existing Official Secrets Act declaration signed by all new entrants should be re-worded to emphasise that the unauthorised disclosure of official information is also a disciplinary offence.



26. Training courses, and particularly induction training, should stress the importance of civil servants preserving their employer's confidence and explain the reasons why this is as necessary a feature of government as it is of private employment.

27. As there may be some confusion in the minds of relatively junior staff, it would be desirable, from the point of deterring leaks, to bring home, by means of an authoritative Ministerial public statement,

- (a) that the extent to which 'open government' is to be practised is a matter for the government of the day and not for the private judgment of individual civil servants;
- (b) that anyone caught deliberately leaking the contents of classified official documents may expect to be dismissed.

I recognise of course that there may well be broader considerations that would make such a statement inappropriate at the present time.

(c) The Media

28. The media's interest in encouraging leaks might conceivably diminish if they were persuaded that the Government was wholeheartedly in favour of more open government, but there will, in practice, always be a large gap between what the media would regard as reasonable openness and what any government is likely to tolerate - particularly as regards policies in the process of formulation. They would certainly be highly critical of a statement on the lines suggested in paragraph 27, though it might have a better reception if forming part of some fresh initiative towards a policy of publishing more information.

29. A liberal policy of unattributable briefing of specialist correspondents (including Whitehall specialists) could reduce their incentive to look for leaks, but will not help with those who deliberately seek out leaks for their own sake.

(d) The Leak Procedure

30. To emphasise their importance, major leaks should continue to be dealt with at Permanent Secretary level under the aegis of the Chairman of the Official Committee on Security. It is not easy to define a 'major' leak, and there must be an element of judgment in particular cases, but essentially it should cover the types of documents referred to in paragraph 17 and related information.

31. The instructions should be revised to place the main emphasis on documentary leaks.

32. Investigating procedures should be geared primarily to oral questioning of those involved. Questionnaires should only be used exceptionally, eg when a document has had too large a circulation for any other method to be practicable. The specimen questionnaire does not now seem to ask the right questions and should be revised or perhaps done away with.

33. CSD should keep a central information bank on the case histories of all leaks. It should be kept outside the normal filing system and strictly limited access to it allowed, so that neither the Security Service nor departments need have any inhibitions about disclosing all relevant material. This implies not only that departments must report fully to CSD the detailed material thrown up by their leak investigations into major leaks (this often does not happen at present) but that they should also report to CSD at a lower level particulars of minor leaks. Minor leaks of classified documents should always be investigated by departments; this may provide clues to possible sources of future leaks.

34. To ensure a more professional standard of investigation of leaks a central panel should be established under CSD auspices which should include individuals experienced in interrogation techniques (eg ex-policemen, retired Inland Revenue or Customs investigators or ex-members of the Security Services).



35. Members of the panel should operate for a particular enquiry under the control of the Permanent Secretary of the Department or departments concerned and in close collaboration with the Department's own staff, but they should be under CSD management to ensure that useful information arising from investigations is systematically funded and available to be drawn on by all departments as recommended in paragraph 33.

36. The calling in of panel members should be by agreement between the Head of the Home Civil Service and the Permanent Secretary concerned, but departments would be expected to use the panel in all major cases where thorough investigation appears profitable. In all cases the essential feature is quick reaction.

37. Some departments - eg FCO, Inland Revenue and Customs and Excise - may obtain better results by using their own staff, but should still seek advice from the central panel, and would have access to centrally held information.

38. Except where there is clear evidence of a criminal offence such as corruption or theft, calling in the police is unlikely to be the most effective way of investigating leaks, though this is for the Attorney General to decide as any leak may involve a potential offence under Section 2 of the Official Secrets Act. The use of the police produces more of a rumpus and may occasionally be thought necessary in special cases, but it may well be counter-productive in building up a defensive resentment amongst staff concerned. Unless they lead to a prosecution police investigations have great disadvantages. They cannot be controlled by the department; and the police report is unlikely to be made available; evidence will not therefore be provided which could be used in disciplinary proceedings.

ACKNOWLEDGMENT

39. I am most grateful to Permanent Secretaries and to others I have interviewed in the course of this enquiry, for all the trouble they have taken and for the advice and assistance they have given. I specially



appreciate the invaluable help and support given by Mr Paul James as Secretary of the enquiry and by other CSD staff involved.

Nicholas Morrison

NICHOLAS MORRISON
29 May 1980



TERMS OF REFERENCE

- (a) To examine:
- i the reports of leak enquiries since May 1979;
- and ii the material available in CSD and Departments on leaks which were not the subject of formal leak procedures.
- (b) To take such further evidence from Departments and from enquiry officers as may be necessary.
- (c) To report on any factors which appear to be sufficiently common to a number of recent leaks as to justify further examination and consideration in particular of:
- i whether existing procedures for the handling, reproduction and protection of sensitive material need further tightening, and if so by what specific measures;
 - ii whether the existing procedures for dealing with apparent unauthorised disclosures of sensitive information are still appropriate to current circumstances, and if not in what ways they should be altered.



SUMMARY OF LEAKS REPORTED SINCE MAY 1979 UP TO AND INCLUDING
MARCH 1980

There were 22 leaks which came to CSD's attention during the period of the review through letters to Sir Ian Bancroft from the Permanent Secretary involved. In 4 of these the loss of information must actually have occurred during the previous administration. Of these 22, it was decided in 4 cases to hold no investigation, 2 investigations are still pending, 2 were successful, 2 were handed over to the Police and there are 7 Investigating Officers' reports, or summaries of those reports, on CSD files. This leaves 5 cases in which some kind of investigation was carried out but no detailed report rested in CSD files. (Most of these reports have, in fact, been picked up from Departments in the course of the present review).

Of these 22 leaks it would appear that 17 involved the loss of an official document and 5 involved oral indiscretions. Of the newspaper articles concerned, 2 produced photostat copies of the documents, 12 quoted or paraphrased the information received with some degree of accuracy, and the remainder were articles based on information obviously illicitly received.

Of the 17 recorded investigations, 9 were purely internal, 3 were formal internal enquiries (2 involving outside investigators), 2 were informal inter-departmental investigations (1 taken on by an outside investigator) and 1 involved the Police from the start. The formal internal investigation not involving an outside man was also handed over to the Police. Of the 15 investigations completed, the culprit was found in 2 cases (both non-malicious, one involving a Special Adviser, the other an SEO at MSC) and 5 more led to suspicion falling on an individual or on a small group (in 3 cases the suspect was a Special Adviser - two of them pointed to one



Special Adviser of the previous administration); the other two cases pointed to the same group of suspects in Inland Revenue. Both the successful investigations were internal. Of the 5 near-successes, 2 were handled by the Police (but the major breakthrough was in fact achieved by the internal investigation beforehand), one was internal and two involved an outside investigator.

The classification of the original material was as follows: One involved SECRET material, though dating back to May 1977, 15 involved CONFIDENTIAL material, the remaining 6 were unclassified, although two carried privacy markings. None of the information was RESTRICTED.

Most of the leaks involved every-day official working papers such as drafts, minutes on policy options, internal minutes and instructions etc. But one involved the reproduction of Cabinet Committee minutes, 6 involved draft or final Cabinet or other Committee material (although none apparently lost from the Cabinet Office) and 1 another important meeting, 3 involved Ministerial correspondence (one in the last administration), 4 revealed confidential draft or final high-level advice to Ministers, and 2 could be regarded as COMMERCIAL IN CONFIDENCE.

In one of the cases, the motive was unclear. In the remaining 21 it could broadly be described as political in that the information concerned some aspect of national government policy, the unauthorised disclosure of which could have a bearing on political decisions, or was plainly aimed at embarrassing Ministers or senior civil servants, or concerned "public interest" type information (ecology, transport etc).

It is arguable that 4 of the leaks might have involved information which would have been protected by the Protection of Official



Information Bill. But it seems probable that only 2 instances would clearly have been prosecutable if the legislation had been passed - both the COMMERCIAL IN CONFIDENCE cases.

Although only 7 cases led to the discovery of a culprit, or the near-discovery of one, it is possible to narrow some of the other enquiries down, and to say that 4 cases (including one non-malicious one) seemed to involve Special Advisers, 4 (including a group of 3 linked together) seemed to involve the Staff Side in some capacity, 1 seemed to point to the involvement of a relatively senior official and 3 involved middle-ranking officials (HEO, SEO). Two might have involved ex-employees (one Special Adviser).

In addition to these 22 cases, we have enquired of 7 major departments how many cases were not reported to CSD in the same period. There were 16 such, of which 10 were investigated in some form or other. One of these investigations led to suspicion falling on an individual. Of these 16, 7 appeared to involve oral leaks and 3 appeared to involve documentary leaks. Two are unclear, three turned out to be not leaks at all, and one investigation is still in its early stages. Two of the 16 involved non-malicious Staff Side indiscretion.

Civil Service Department
29 May 1980

SPECIAL PROTECTIVE MEASURES

1. The existing rules for handling Cabinet Office Ministerial Committee papers and minutes which are based on the Houghton Committee report, should be strictly enforced.
2. The distribution within departments of Cabinet Office official Committee papers and minutes and inter-Ministerial correspondence should be properly controlled and limited so far as practicable.
3. Special attention should be given to the security or privacy classification of inter-Ministerial correspondence.
4. Each department should make arrangements to ensure that where certain subjects or categories of policy documents are of exceptional sensitivity and require special protection, they are identified as such. They should then consider whether special measures over and above those required by their security classification are justifiable and practicable.
5. The kind of special measures, any or all of which might be considered in cases of this kind contemplated in paragraph 4, are:
 - (a) Restricting circulation to a list of named individuals;
 - (b) Numbering each copy of a paper;
 - (c) Forbidding or restricting re-copying; where numbering is used any copies must be re-numbered;
 - (d) Putting a special stamp in colour across the text.
6. Some departments handling large numbers of classified papers may see advantage in arranging for 'Unclassified' documents to be marked as such, thus obliging the originator to think in each case whether or not classification is required.
7. The "need to know" principle must be applied rigorously to all documents that are classified or bear a privacy marking.

Cabinet / Cabinet Committee Document

The following document, which was enclosed on this file, has been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate CAB (CABINET OFFICE) CLASSES.

Reference: CC (80) 5th Conclusions, Minute 7

Date: 7 February 1980

Signed

Wayland

Date

6 May 2010

PREM Records Team



Security

10 DOWNING STREET

PRIME MINISTER

If time permits, you may wish to mention two matters which you have undertaken to raise with Cabinet colleagues.

I attach speaking notes on

- | (1) review of leak procedure;
- (2) review of Government statistics.

MAD

6 February 1980

CONFIDENTIAL

SPEAKING NOTE FOR THE PRIME MINISTER FOR CABINET ON 31 JANUARY

LEAKS

I - and I know colleagues - have been concerned about the unprecedented number of leaks of information to the Press. Although some of these leaks have been formally investigated, the reports have seldom done more than suggest a likely explanation and make recommendations for tightening particular areas of document security.

I have therefore agreed with the Head of the Home Civil Service that there should now be a review of the adequacy of the leak procedure itself. This study will review the reports of recent inquiries and seek to establish any common threads. It will be conducted by a former Permanent Secretary since the work will need someone with both a good knowledge of Whitehall and the status for conducting appropriate discussions. It is unlikely to be necessary for him to interview Ministers.

For obvious reasons, this will be a covert exercise and knowledge of it will be restricted to those with a need to know.

CONFIDENTIAL



MR M A PATTISON

CABINET: 31 JANUARY

... The Prime Minister has kindly agreed to mention two forthcoming reviews at the next Cabinet, a review of Government Statistics, and a review of the leak procedure. I attach speaking notes.

Sir Ian Bancroft has asked me to suggest that, as far as the review of statistics is concerned, the Prime Minister's attention should be drawn to the fact that several departments already have studies of aspects of their statistical activity in hand. An example is Mr Heseltine's initiative, involving other departments with local authority expenditure, to reduce the information burden on local authorities. The intention is to build on this work, where it exists, and not to duplicate it. (In the case of Mr Heseltine's initiative, it is due to be completed by Easter and there is no intention to seek to alter this timetable or to expect results which will conflict with the general review.)

I am copying this minute to David Wright in Sir Robert Armstrong's Office.

DAVID LAUGHRIN
PS/Sir Ian Bancroft

29 January 1980

JS
cc Ho (2)
co

10 DOWNING STREET

From the Principal Private Secretary

SIR IAN BANCROFT

LEAKS.

The Prime Minister has seen your minute of 15 January to me proposing that a comprehensive study of recent leaks should be undertaken.

The Prime Minister has no great hope that such a study will produce anything of value but, even so, she agrees with you that the attempt is worth making. She is ready, therefore, to see the study go ahead on the basis of the terms of reference attached to your minute.

The Prime Minister agrees that the best way of letting her colleagues know about the study would be for her to mention it at a Cabinet meeting. She will try to find an opportunity to do this on Thursday 24 January.

I am sending copies of this minute to Mr. Chilcot (who told me yesterday that the Home Secretary agreed that the study should be carried out, though he, too, doubted whether it would lead to anything very useful), Sir Robert Armstrong and Sir Brian Cubbon.

C. A. WHITMORE

18 January 1980

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CONFIDENTIALPrime Minister,

The Home Secretary agrees that the proposed study should be undertaken, though with no lively hope that it will produce anything. I fear his pessimism will prove justified. But it is probably worth the attempt even so.

Do you agree to the study and if so, to the terms of reference attached? Do you want to mention the study at a meeting of Cabinet as Sir Ian Bannister suggests?

John
17.

MR C A WHITMORE

LEAKS

I have recently been considering with Sir Robert Armstrong and Sir Brian Cubbon the case for commissioning a study of unauthorised disclosures of information to the Press. A number of such leaks have of course been the subject of specific enquiries, but the reports of these seldom do more than suggest the most likely explanation for the leak and make recommendations for tightening particular areas of document security within a Department.

2. It would be wrong to regard the holding of such enquiries representing time wholly wasted. At the very least the existence of the leak drill is necessary to plug any gaps in our security arrangements, and the knowledge that enquiries are held may well provide some sort of deterrent to a proportion of people who might otherwise be tempted to be deliberately disloyal.

3. The time may well have come however for us to review the adequacy of the leak procedure itself in present day circumstances.

4. The growth of so called investigative journalism and the proliferation of lobbies and pressure groups which can readily command the interest of the media has created a climate which I suspect positively encourages disclosure by an individual who holds strong personal convictions on an issue currently under consideration within central Government and who sees a way of furthering the cause he supports without being detected. These misguided people represent I suspect a much more serious threat to the security of Government documents than those who are motivated by extremist political views.

5. It is these areas I would suggest we should explore by reviewing the reports of recent leak enquiries, and by seeking to establish any common patterns which may emerge from such an examination. The study might entail interviewing again some of those involved in past leak enquiries and also the officers who undertook those investigations.

6. What I have in mind is reflected in the attached draft terms of reference for any individual undertaking the study.

7. The work would call for somebody who knows Whitehall and has the status to open the necessary doors. Preferably he should have some personal experience of leak enquiry procedures. Above all, he needs to have the subtlety of mind to analyse a quantity of disparate material and to decide whether lessons can be derived from such a synoptic view. A retired Permanent Secretary may well be the most suitable choice.

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8. I am bound to confess that if the Prime Minister were to approve this study we may find it ultimately adds little to what we already know. Nevertheless, my own judgment and that of my two colleagues is that the attempt is worth making.

9. I would be grateful if you could take the Prime Minister's mind on this. Apart from sending copies of this minute to the two Permanent Secretaries whom I have already consulted, I am sending a copy only to the Home Secretary in view of his responsibilities for the Police and Security Service. If the Prime Minister decided to authorise the study, then she might think it right that her decision should be communicated to colleagues orally at a Cabinet meeting. I would adopt a similar oral briefing of those of my Permanent Secretary colleagues who needed to know.

IAB

IAN BANCROFT

15 January 1980

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DRAFT TERMS OF REFERENCE

1. To examine -
 - i. the reports of leak enquiries since May 1979;
 - and ii. the material available in CSD and Departments on leaks which were not the subject of formal leak procedure.
2. To take such further evidence from Departments and from enquiry officers as may be necessary.
3. To report on any factors which appear to be sufficiently common to a number of recent leaks as to justify further examination and consideration in particular of:
 - a. whether existing procedures for the handling, reproduction and protection of sensitive material need further tightening, and if so by what specific measures;
 - b. whether the existing procedures for dealing with apparent unauthorised disclosures of sensitive information are still appropriate to current circumstances, and if not in what ways they should be altered.

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17 JAN 1960

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CIVIL SERVICE DEPARTMENT

WHITEHALL LONDON SW1A 2AZ

Telephone 01 273 5400

*Sir Ian Bancroft G.C.B.
Head of the Home Civil Service*

PA

MS

Nick Sanders Esq
10 Downing Street
LONDON SW1

4 January 1980

Dear Nick,

LEAKS

... You requested a list of the main leaks which have been noted in our records since the election in May. I attach the list. If you wish for any more details than are given in the necessarily abbreviated notes, we would be glad to supply them.

For your own information, I should add that Sir Ian Bancroft, who is concerned about recent disclosures, has recently discussed with Sir Robert Armstrong and Sir Brian Cubbon the problem posed by the growth in leaks over the years and the lack of any deterrents. He is considering whether to put a submission to the Prime Minister recommending that someone should be appointed to study the disclosures over the last 9 months to see if there is any pattern and whether there is any action which could be taken either to discourage leaks or investigate them more effectively.

I should also add that there are some signs that the enquiries into the recent Time Out leaks may be successful in identifying, at least fairly specifically, the source of the leaks. Sir Ian Bancroft and Sir Robert Armstrong will, of course, keep Mr Whitmore in touch with any developments.

*Yours sincerely,
David*

DAVID LAUGHRIN
Private Secretary

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LEAKS OCCURRING DURING 1979

<u>Date</u>	<u>Publication</u>	<u>Subject</u>
May	Guardian	Cuts in Youth Opportunities Programme and Short Term Employment Programme - member of MSC had been indiscreet.
May	New Statesman	Prime Minister's instructions on preparation of briefs
May	New Statesman	"Our inheritance"
May	Sunday Telegraph	Honours procedure
June	Economist and Guardian	Treasury brief on the economic significance of UK membership of the EEC.
June	Economist	Sir Nicholas Henderson's valedictory despatch
July	Financial Times	Regional assistance, micro-electronics NEB
July	Guardian	Mr Peter Jay's valedictory despatch
August	Evening Standard	HMI National Secondary Survey
September	Economist	Draft brief on Anglo-German relations
September	Guardian and Financial Weekly	Civil Service manpower reductions
September	Time Out, followed up in Guardian	Ministerial letter on cash penalties for strikers
September	Time Out, followed up in Guardian	Minutes of Inland Revenue Standing Committee on Tax and Social Security
October	Guardian	DHSS expenditure cuts
October	Guardian	Immigration Service Manual
November	Sunday Times	Existence of MISC 14 and MISC 15
November	Guardian	Personal letter dated 8 May 1979 from S of S for Industry to Chief Secretary to the Treasury about education cuts.
November	Time Out	Industrial injury benefit for oil rig accident - correspondence between Ministers of previous Administration
November	Sunday Times	1977 meeting about possible GEC/Rolls Royce merger
December	Time Out	E Committee minutes on civil nuclear power programme
December	Guardian	Draft Cabinet Committee paper on Employers' statutory sick pay
December	Time Out, followed up in Daily Mirror	Treasury brief on strikers and supplementary benefit.

CONFIDENTIAL

4 JAN 1980

