

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







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