



10 DOWNING STREET

THE PRIME MINISTER

7 December 1983

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CCMPD.

Dear Mr. Wilson,

Thank you for your letter of 14 November, setting out the objectives of the campaign of which you are Chairman.

It is the Government's policy to make available as much information as is possible, while preserving the confidentiality essential to the effective working of government. The proviso is necessary, as your own document acknowledges. The real question, therefore, is how the public interest in disclosure - or on the other hand confidentiality - of particular information is to be determined.

I am afraid I cannot offer any encouragement to your proposal of a Freedom of Information Act, imposing a statutory obligation on Ministers to disclose information held by Government departments. Under our constitution, Ministers are accountable to Parliament for the work of their departments, and that includes the provision of information. A statutory right of public access would remove this enormously important area of decision-making from Ministers and Parliament and transfer ultimate decisions to the courts. No matter how carefully the right were defined and circumscribed, that would be the essential

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constitutional result. The issues requiring interpretation would tend to be political rather than judicial, and the relationship between the judiciary and the legislature could be greatly damaged. But above all, Ministers' accountability to Parliament would be reduced, and Parliament itself diminished.

You are anxious that your campaign should be seen as one "to improve the accountability of quality of government". I believe that, if this part of your objectives were achieved, both accountability and quality would suffer. We said in our 1979 Manifesto that we would see that Parliament stands at the centre of the nation's life and decisions. In our view the right place for Ministers to answer for their decisions in the essentially "political" area of information is in Parliament.

I accept, as you say, that the campaign is not intended as a criticism specifically of this Administration. Our predecessors in office were also convinced of the fundamental constitutional objection to legislation of this kind. But we have gone further in ensuring Parliamentary accountability. In particular we helped to set up, and are fully supporting, the departmental Select Committees, whose dialogue with departments is producing a wider range of information than at any previous time. The Committees are institutionally appropriate to our constitution; a Freedom of Information Act is not.

In summary, I welcome any moves that will help to ensure that public demands for information are heard, and as far as possible satisfied. But I firmly believe that major constitutional changes such as your campaign is

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proposing are inappropriate and unnecessary. We already have a clear policy to make more information available and the necessary machinery to do so.

Yours sincerely

Raymond Hunter

Des Wilson, Esq.