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10 DOWNING STREET

*From the Private Secretary*

4 June 1979

The Prime Minister has considered the Lord President's minute of 30 May about open government, and the Attorney General's minute of 23 May on the same subject.

She wholeheartedly agrees with Lord Soames' approach to the subject. She would like him to put a paper to Home and Social Affairs Committee, with the intention that the Government's view should be announced in response to Questions on 20 June.

I am sending copies of this letter to Bill Beckett (Law Officers' Department), John Stevens (Chancellor of the Duchy of Lancaster's office) and to Martin Vile (Cabinet Office).

M. A. PATTISON

Jim Buckley, Esq.,  
Lord President's Office.

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PRIME MINISTER

I have put to you this weekend proposals from the Attorney General and the Home Secretary on reform of the Official Secrets Act. The subject relates closely to the wider issue of open government, on which Lord Soames <sup>30.5.79</sup> has now submitted separate proposals to you (an additional copy of the Attorney General's <sup>23.5.79</sup> minute is also attached here at Flag A).

Are you content that Lord Soames should put a paper to H, with the intention that the Government's views should be announced through Questions on 20 June?

*MSP* Yes - I agree wholeheartedly

1 June 1979

with Lord Soames approach.

*mbi*





PRIME MINISTER

## OPEN GOVERNMENT

I have now had a look at the issues which now face us on open government, and this is to let you know my thinking. You have already seen a brief prepared by my Department as background to possible Parliamentary Questions.

2. The Government is bound to be pressed for an early indication of its approach given the continuing pressure from interest groups, the media, and within Parliament itself for a right of access to information held by public authorities. Indeed, there are Oral Questions (which will almost certainly be reached) on this subject for answer by Paul Channon on 20 June. In a Green Paper issued shortly before the dissolution (Cmd 7520), the previous Government proposed a Code of Practice under which Ministers would accept an obligation to provide access to official documents and information other than in specifically exempt fields. They proposed that a Select Committee should be appointed to consider the contents of the Code and related matters. Published simultaneously with the Green Paper was a factual report by officials on practice in other countries, principally those which have considered or are considering a statutory right of access. We can expect to be asked whether we propose to follow the approach in the Green Paper.

*Flag B* 3. The present practice on the release of information is that set out in the letter which the then Sir Douglas Allen, Head of the Home Civil Service, sent to Permanent Secretaries on 7 July 1977, a copy of which is attached. The idea behind this was to secure the publication of background and analytical material relating to major policy decisions wherever possible, while leaving to Ministers the final decision on what information should be released and when.

4. Those who seek a right of access want to secure a basic change so that the Government would no longer control the timing and extent of the release of information. In future the Press and other people could, subject to certain exceptions, demand as of right to see official papers in a wide range of topics. This would be the inevitable consequence of a Code of Practice.

*Flag A* 5. I agree strongly with Michael Havers' view that we should proceed with caution and that it would be most unwise to commit ourselves to public rights of access to official information as extensive as provided for in the United States model. Furthermore, I would be nervous about any significant development which



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involved a basic change in the initiative, and believe that a Code of Practice could create more difficulties than it would cure. It would be costly and there would be a lot of controversy about the Code itself.

6. Under the circumstances, I believe that we should stand on the policy implied in the Douglas Allen letter, though we ought to keep its operation under closer review. This will disappoint some of our own supporters, but we can reasonably point to the reform of section 2 of the Official Secrets Act and the law on contempt, as steps forward in related areas. If there were to be changes in Parliamentary procedure in the light of the Procedure Committee's report, then that would be another positive step.

7. In view of the inevitable Parliamentary pressure I would welcome the views of colleagues on the approach I have suggested. You may accordingly wish me to put a paper to Home and Social Affairs Committee, in the hope that colleagues would be able to come to a collective view to which Paul Channon could refer on 20 June.

8. I am sending copies of this minute to the Home Secretary, the Chancellor of the Duchy and the Attorney General, as well as to Sir John Hunt.

S.

SOAMES  
30 May 1979

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