

MR. RICKETT

Disclosure of Official Information - Building on Croham

I very much share your apprehension about this exercise (on which I return the papers).

The Chancellor of the Duchy, rightly in my view, says that nothing short of legislation will satisfy the "activists" in this area. Thus the issue of a new document could revive a topic that is, for the moment at least, dormant. We need, therefore, to consider timing very carefully indeed.

Given, however, that Croham exists, we would be in trouble if we ditched it. Thus, the argument turns on whether we should let sleeping dogs lie, in the hope that they will stay that way, or whether we could, with advantage, re-present our policy.

This brings me to content. And here I have not the slightest hesitation in saying that the new draft is much more coherent and comprehensive than Croham. But I would make the following points:

- I have grave doubts about getting rid of Croham by saying the new document supersedes it; that seems to me to raise the very expectations Lady Young wishes to avoid; I would much prefer to see a sentence which reads "... made from time to time since the 1977 Croham Directive, thereby bringing up to date the practical guidance".
- Given the endorsement of the previous Prime Minister of the original Croham, the Prime Minister's failure to back this document would be counter-productive. The Government would be seen to be backtracking in its commitment to openness if she did not publicly endorse the terms of the memorandum.

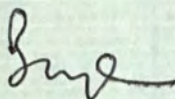
/- I would,

- I would, as a matter of prudence, take out the word "all" in the last sentence of Para. 6.

- The charging provisions in Para. 10 need looking at carefully; we need to be assured that this paragraph will not be seen as two steps backwards - i.e. putting "difficulties" in the way of communication under cover of an advance.

- I cannot find, as in Croham, a passage which asks Departments to keep some sort of record or assessment of the effect, if any, of the guidance. I know all the difficulties of making these assessments, but this will be seen as a significant omission and one which will detract seriously from the intended effect of publishing the memorandum. It will encourage people to argue it does not really add up to much.

Finally, going back to timing, I am sure we must have available an assessment of the effect of the disclosure policy so far and a response to criticisms of that policy when we publish the memorandum. In a sense, that is an important element in the exercise.



B. INGHAM

4 November, 1981



10 DOWNING STREET

Mr Ingham

I would welcome your comments
on the attached.

I see no arguments against
stating our policy more clearly
and some advantage to be gained
from defusing Parliamentary
pressure.

But I'm not sure words are
enough in this case. Last time
we announced our policy,
Peter Hennessy rang up every
Department demanding policy
documents. Somewhat embarrassing.

If this is to be successful, I would
have thought we would have to
be ready with documents to be

released.

W. H. Nicholls
2/21/81