



10 DOWNING STREET

From the Private Secretary

9 November, 1981.

BF

Official Information on Guidance to Departments on
Disclosure

The Prime Minister was grateful for Lady Young's minute of 30 October.

On tactical grounds, the Prime Minister wonders whether it is right to issue a new directive to Departments now. As the Chancellor of the Duchy says, nothing short of legislation will satisfy the activists. The issue of a new document would revive a topic that is, at the moment at least, dormant, and the Prime Minister considers that it would perhaps be better to let sleeping dogs lie until we face new moves by the activists. In any event, before any new directive is issued, she would like to see prepared an assessment of the effect of the disclosure policy so far, and a response to criticisms of that policy. She feels that it would only play into the hands of the activists if we did not prepare ourselves in this way.

In short, the Prime Minister takes the point about the need for the Government to keep the initiative, but she considers that it would be better not to issue a new directive until the need is more obvious, and at least not until an assessment of the effects of the disclosure policy has been prepared.

On another tactical point, the Prime Minister feels we should be careful of claiming that the new directive supersedes the Croham directive. Her initial reaction is that to do so would only raise expectations which the new directive would not meet, since it does not go very far beyond Croham. She suggests that it would perhaps be better to describe it as the next step in the process of guidance started by Lord Croham, and as a consolidation of all previous directives.

On the drafting of the directive itself, the Prime Minister has only two points:

- (a) She feels the directive should include a paragraph requiring Departments to keep some record of the material released under its guidance. This point is implicit in paragraph 13 of the draft, but the Prime Minister hopes it can be made more obvious.

- (b) The sentence at the end of paragraph 1 in square brackets giving her endorsement of the guidance should be included, and indeed strengthened to say that the Prime Minister attaches importance to the need to make information available wherever possible.

W. F. S. RICKETT

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Office of the Chancellor of the Duchy of Lancaster.

SP

Official Information: Guidance to Departments on
Disclosure

At A is a minute from Lady Young. She proposes that we should issue a new directive (draft at B) to departments on the disclosure of information. She feels:-

- (a) that the pressure for freedom of information legislation will continue, and that new guidance would keep the initiative with the Government;
- (b) that this new guidance should supersede the Croham directive (at C) which has attracted criticism; and
- (c) that the risks of raising expectations by issuing new guidance are less than those of trying to hold to the present position.

The new guidance does not in fact go very far beyond the Croham directive. It is slightly more positive in tone, especially in paragraphs 6 and 7.

I have spoken to Bernard Ingham about this, and we both feel:-

- (a) as the Chancellor of the Duchy says, nothing short of legislation will satisfy the activists. The issue of a new document could revive a topic that is, at the moment at least, dormant. It would perhaps be better to let sleeping dogs lie until we face new moves by the activists. In short, we should perhaps keep this draft directive up our sleeve until it is needed.
- (b) we should be careful of claiming that this new directive supersedes "Croham". That will only raise expectations which the directive cannot meet, since it does not go very far beyond Croham. It would perhaps be better to describe it as the next step in the process of guidance started by Croham, and as a consolidation of all previous guidance.

(c) that before any new directive is issued, we should have available an assessment of the effect of the disclosure policy so far, and a response to criticisms of that policy. It would only play into the hands of the activists if we did not prepare ourselves in this way.

1. Do you agree that it would be better not to issue the directive until the need is more obvious, and at least not until we have prepared an assessment of the effects of the disclosure policy so far?

Yes but please explain the reason to be fully aware

On the details of the draft directive itself, Bernard Ingham and I only have two points:-

(a) it should perhaps include a paragraph requiring departments to keep some record of the material released under this guidance. This is implicit in paragraph 13 but it should perhaps be made more obvious.

(b) the sentence at the end of paragraph 1 in square brackets giving your endorsement of the guidance should be included, and possibly strengthened to say that you attach importance to the need to make information available.

2. Agree these comments on the draft?

Yes

WFSM