



10 DOWNING STREET

From the Private Secretary

18 March 1982

Official Information

The Prime Minister has seen Lady Young's minute of 9 March. She would be happy for your Minister to circulate a paper to Cabinet, with a view to a discussion some time in the next month.

However, the Prime Minister is not entirely convinced that this paper should conclude in favour of introducing a Code of Practice on the lines of the draft annexed to Lady Young's minute. She is not sure that it is profitable to concentrate on satisfying the "open government" lobby, especially as this will probably be impossible without legislation. She feels that it would be useful to explore the option of doing more to explain why there are sensible limits to the release of official information. The Government could perhaps develop a systematic approach to defending the status quo, which could be developed in the inevitable debates on:

- (a) data protection and the information technology explosion which will lead people to worry about the protection of official information; and
- (b) the Report of the Duncan Wilson Committee on public records, and the Council of Europe recommendations on access to information, where the pressure will be towards allowing greater access to official information.

In short, the Prime Minister would prefer the paper for Cabinet to set out the options identified in the Chancellor of the Duchy's minute; go on to discuss the option described above; and to end without making any firm recommendations. This could then be given a "second reading" discussion in Cabinet, to explore the options and to consider whether any further work by officials is necessary.

W. F. S. RICKETT

Jim Buckley, Esq.,
Office of the Chancellor of the Duchy of Lancaster

PRIME MINISTER

Official Information

You will remember that last November Lady Young wanted to issue a revised version of the "Croham Directive" on the disclosure of official information. We suggested that it would be better to let sleeping dogs lie, and not to prod the 'open Government' lobby into action.

Lady Young now wants to circulate a paper to Cabinet on this subject, setting out various options (including doing nothing), so that colleagues can have a "Second Reading debate". Lady Young herself favours the publication of a Code of Practice on the release of official information, breach of which would be a mal-administration subject to investigation by the Ombudsman.

Bernard's views are at Flag A. He does not favour a Code of Practice. He does not feel that the Government should concentrate on satisfying the 'open Government' lobby, especially as this will probably be impossible without legislation. Instead he feels that the Government should do more to explain why there are sensible limits to the release of official information. He feels that the Government should develop a systematic approach to the inevitable debates on:

(a) data protection and the information technology explosion which will lead people to worry about the protection of official information; and

(b) the Report of the Duncan Wilson Committee on public records, and the Council of Europe recommendation on access to information, where the pressure will be towards allowing greater access to official information.

Bernard suggests that an inter-departmental group of officials (or even the CPRS) should be asked to work up a paper on this.

/ You probably

You probably will not want to deny Lady Young a discussion of this subject in Cabinet. But would you like me to tell her office that you are not yet convinced of the need for a Code of Practice, and that it might be best for her paper to set out the various options, including Bernard Ingham's preferred approach, without coming to any conclusions?

WR

Yes
no

15 March 1982