

Ref. A084/137
PRIME MINISTER

The Foreign and Commonwealth Secretary, reflecting in Riyadh about the implications of the Sarah Tisdall affair, is wondering whether it would be sensible to set in hand and to announce (before Parliament resumes) an inquiry with the object of making recommendations designed to reduce the risk of a recurrence. He rightly sees this as a Whitehall problem, and not as a specifically Foreign and Commonwealth Office one, and he feels strongly that any follow-up should be on a Whitehall basis.

2. He sees two possible subjects for inquiry:

- (1) the procedures for identifying, classifying and handling papers of particular sensitivity, and for selecting especially junior staff who have access to such papers.
- (2) whether the Government has the powers it needs to minimise the chances of limiting damage and finding the person responsible after a leak has occurred.

He suggests that it might be appropriate at least initially to limit the inquiry to the first limb of the first of these two subjects, and to start with an inquiry under the auspices of the Secretary of the Cabinet; the Security Commission could always be brought in later, if this seemed appropriate in the light of his findings.

3. As background to consideration of this I should make four points:

- (1) As Miss Tisdall is being charged under the Official Secrets Acts, we are obliged under the standard procedure to consult the Chairman of the Security Commission as to whether this is a case which should be referred (either immediately or after the trial) to the Security Commission; this is already in hand. In the light of his advice you will then be asked to decide (after consulting the Leader

of the Opposition) whether to refer the case to the Commission.

(2) This is, so far as I am aware, the first leak that has been proved to come from a Minister's Private Office. That makes it, in my book, a serious matter irrespective of the sensitivity of the material leaked. Given the volume of business handled by a Private Office and the speed with which it has to be done, the office is workable only on the basis that all those working in it can be trusted to handle all (or virtually all) of the papers that flow through it. The document leaked by Miss Tisdall was classified SECRET; in a sense it was more politically embarrassing than security sensitive, but there is nonetheless a security implication: the document leaked could have been one which was highly sensitive in security terms or in terms of prejudice to the conduct of international relations.

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(4) I have already put in hand a review of the procedure for investigating leaks. I do not, as at present advised, believe that the Government lacks the necessary powers. We have a team of investigators in the Cabinet Office who are becoming pretty experienced at conducting leak investigations. If it is a question of prosecution, that is for the Attorney General and the Director of Public Prosecutions; but prosecutions can be based either on charges

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under the Official Secrets Act or on charges of theft. There is the alternative of disciplinary action (ie dismissal) in cases where a confession can be secured. But recent experience shows that we need to review the distribution of responsibility between the individual Departments and the centre (the centre probably needs to be more closely involved), and the arrangements and timing for deciding whether the police need to be brought in. These matters are to be discussed with individual Departments who have had recent experience of leak investigations, the Law Officers' Department, the Director of Public Prosecutions and representatives of the Metropolitan Police. But I should much prefer not to announce this review.

4. I should of course be perfectly ready to be instructed to inquire into the procedures for identifying, classifying and handling papers of particular sensitivity. But I could not advise you to announce such an inquiry, for two reasons:

(1) An announcement could engender expectations which I believe an inquiry would be unlikely to satisfy. Document handling procedures were comprehensively reviewed by the Security Commission as recently as 1981, when the Commission did a ~~comprehensive~~ review of security procedures; all the Commission's recommendations were accepted, and have been or are being implemented. We have also introduced the CMO procedure for handling Cabinet or Cabinet Committee documents of particular sensitivity; and your own office is scrupulously careful to request special handling procedures for documents which are thought to require them. I do not believe that this is the area in which we should be concentrating our attention, and very much doubt whether we can carry special handling procedures much further, particularly within Private Offices.

(2) It would be playing into the hands of CND and of the Freedom of Information campaign if the Government announced action which could be represented as an attempt to enforce even greater ~~secrecy~~ in Government.

5. We clearly ought to consider whether there were any deficiencies in the PV procedure which failed to bring to light information about Miss Tisdall that would have forewarned the Foreign and Commonwealth Office that she might be liable to do what she has done; or whether there was other information about her which could have been known to those responsible and which, if so known, could have provided a forewarning. But prima facie there were not; and in any case that is pre-eminently an area for Security Commission investigation.

6. I think that we should be concentrating not so much on the breach of security that was involved as on the breach of trust and confidence; and that the lessons to be learnt from this affair are more likely to be in the area of personnel management than in the area of security. The questions which I think we should be pursuing are as follows:

(1) Are we doing enough when people are recruited to the Civil Service to emphasise that the civil servant's duty is to the Government of the day, and that if he joins the Civil Service he accepts an obligation to assist the Government of the day to formulate and execute its policies, which it has been elected to carry out, and to preserve its confidences, so long as its policies and actions are within the law, irrespective of his personal or political views?

(2) Do we need to take even greater care than at present in selecting staff for work in particularly sensitive areas, such as Private Offices? This is not just a matter of security vetting but also of what is known about personal character and reliability.

(3) Should there be some age bar or rule on appointments to Private Offices? Miss Tisdall is only 23, and has been in the Service only three years: it might be sensible, though it would be restrictive, to suggest that people should not be appointed to Private Offices who were not 25 or had served for less than five years.

(4) Would it be helpful to have an additional process of indoctrination of staff taking up posts in Private Offices

and other sensitive areas? Would it, for instance, be useful to require them to read, and to certify that they have read, a document which reminds them that they are being put into a position of especial trust and that, in accepting appointment to such a position, they must also accept that the obligation of preserving confidentiality which applies to all government servants applies with special force to them?

7. If there were to be a reference to the Security Commission, I should hope to direct their attention to these questions; and an investigation by the Security Commission would be more likely to get at the facts, and its recommendations would carry greater weight and authority, than any mere inquiry by the Secretary of the Cabinet.

8. I take the view that the implications of a deliberate leak by a member of a Private Office are serious. But, as I have clearly indicated, I think that it might be inadvisable to create the impression that the Government is particularly sensitive to Miss Tisdall's leak because of its political embarrassment, or to take action which might further highlight this particular leak and increase the risk that the press will build Miss Tisdall up into an innocent and even heroic victim of a secretive establishment. For this reason, and because the Tisdall case is now sub judice, and for the other reasons suggested in this minute, I would not recommend an early announcement of any kind of special inquiry.

9. I recognise that this does not meet the Foreign and Commonwealth Secretary's objectives of making it plain to the public that this is a Whitehall problem and not a specifically Foreign and Commonwealth Office one, or of saying something before the weekend in order to disarm parliamentary questioning next week. I suggest, however, that these objectives could be met in part by an announcement to the effect that the standard procedures for following up prosecutions for breaches of secrecy would be followed in this case. The procedures are those laid down by Sir Alec Douglas-Home and Mr Wilson in the 1960s and

endorsed by successive Prime Ministers since. Under these procedures the first action, when there has been a prosecution for a breach of secrecy, is to consult the Chairman of the Security Commission as to whether he considers that the circumstances are such as to call for a reference to the Commission. In the light of his advice it is for the Prime Minister, after consulting the Leader of the Opposition, to decide whether to make a reference to the Commission.

10. I doubt whether this would justify the issue of a press statement. It could, however, form the basis of guidance to the Lobby before the weekend; and that could, if it was thought appropriate, be followed up by a written answer to an arranged Parliamentary Question early next week.

11. I am sending a copy of this minute to the Foreign and Commonwealth Secretary.



ROBERT ARMSTRONG

12 January 1984