



10 DOWNING STREET

THE PRIME MINISTER

7 December 1983

Dear Mr. Wilson,

Thank you for your letter of 14 November, setting out the objectives of the campaign of which you are Chairman.

It is the Government's policy to make available as much information as is possible, while preserving the confidentiality essential to the effective working of government. The proviso is necessary, as your own document acknowledges. The real question, therefore, is how the public interest in disclosure - or on the other hand confidentiality - of particular information is to be determined.

I am afraid I cannot offer any encouragement to your proposal of a Freedom of Information Act, imposing a statutory obligation on Ministers to disclose information held by Government departments. Under our constitution, Ministers are accountable to Parliament for the work of their departments, and that includes the provision of information. A statutory right of public access would remove this enormously important area of decision-making from Ministers and Parliament and transfer ultimate decisions to the courts. No matter how carefully the right were defined and circumscribed, that would be the essential

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constitutional result. The issues requiring interpretation would tend to be political rather than judicial, and the relationship between the judiciary and the legislature could be greatly damaged. But above all, Ministers' accountability to Parliament would be reduced, and Parliament itself diminished.

You are anxious that your campaign should be seen as one "to improve the accountability of quality of government". I believe that, if this part of your objectives were achieved, both accountability and quality would suffer. We said in our 1979 Manifesto that we would see that Parliament stands at the centre of the nation's life and decisions. In our view the right place for Ministers to answer for their decisions in the essentially "political" area of information is in Parliament.

I accept, as you say, that the campaign is not intended as a criticism specifically of this Administration. Our predecessors in office were also convinced of the fundamental constitutional objection to legislation of this kind. But we have gone further in ensuring Parliamentary accountability. In particular we helped to set up, and are fully supporting, the departmental Select Committees, whose dialogue with departments is producing a wider range of information than at any previous time. The Committees are institutionally appropriate to our constitution; a Freedom of Information Act is not.

In summary, I welcome any moves that will help to ensure that public demands for information are heard, and as far as possible satisfied. But I firmly believe that major constitutional changes such as your campaign is

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proposing are inappropriate and unnecessary. We already have a clear policy to make more information available and the necessary machinery to do so.

Yours sincerely

Raymond Shalter

Des Wilson, Esq.

EXTRACT FROM HANSARD.
DATE 23-11-1983
COL WA 171

CIVIL SERVICE

Freedom of Information Bill

Mr. Kirkwood asked the Minister for the Civil Service whether he will now introduce a Freedom of Information Bill.

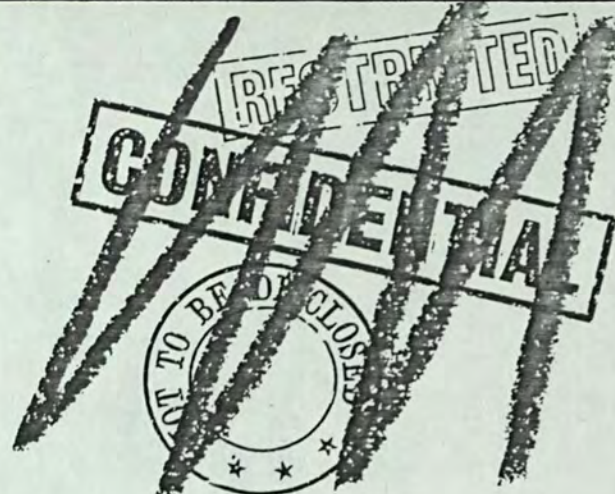
Mr. Hayhoe: No. We have made clear on several occasions why we do not believe that a statutory right of access to information would be appropriate. But it is the Government's policy to make available as much information as is possible while preserving the confidentiality essential to national security and to the effective working of Government. It is for my right hon. Friends in charge of Departments to implement this policy in their own areas of responsibility and to explain to the House and to the public the decisions they take. But my general impression is that good progress has been made in increasing the amount of information which is publicly available. In particular the evidence taken by departmental Select Committees provides a large range of information on the background to policies and problems over wide areas of Government activity.

The 1984 Campaign for Freedom of Information

2 Northdown Street London N1 9BG
Telephone 01-278 9686

November 14, 1983

Rt. Hon. Margaret Thatcher
10 Downing Street
London SW1



Dear Mrs. Thatcher,

Shortly a major campaign is to be launched by a substantial list of voluntary organisations with the support of members of all political parties. I attach its objectives.

We are particularly anxious that this should be seen as a campaign to improve the accountability and quality of government, and in no way whatsoever as a campaign against your government.

We fully accept that the level of unnecessary secrecy in both the public and private sector is an inheritance of the past.

We invite you, therefore, to comment, as other party leaders have done, on the launch of our campaign and its objectives, and hope very much that you will feel able to respond positively and thus encourage the genuine desires of all involved to achieve improvements with proper cooperation and consultation all round.

I look forward to hearing from you.

Yours sincerely,

DES WILSON
Chairman
1984 Committee

Enclosure

1984 CAMPAIGN FOR FREEDOM OF INFORMATION

OBJECTIVES

1. Broad Objectives

- (a) To secure a statutory right of access to all information held by government and other public sector bodies other than that for which specific statutory protection is provided, and to place on these bodies an obligation to disclose such information.
- (b) To place upon organisations in the private sector a statutory obligation to give access to and to disclose such information as may be required by the public interest.

2. Legislative Aims

- (a) To promote a freedom of information Act to establish a public right of access to official information, subject to those exemptions required to protect confidentiality genuinely necessary to the proper conduct of government, its relations with other governments and organisations and the privacy of individuals.
- (b) To press for legislation to establish a similar public right of access to information held by local government.
- (c) To seek the repeal of the Official Secrets Acts and their replacement by an Act to give such protection to official information as may be necessary for national security.
- (d) To monitor all Bills introduced into Parliament and to add provisions for public access and disclosure where relevant.
- (e) To identify and seek to repeal all unnecessary secrecy provisions in existing legislation.
- (f) To press for legislation to establish a right of defence in law for those who disclose without authorisation information to which there is, as above, a public right of access, or which is justified in the public interest.

3. Other Aims

- (a) To encourage public and private bodies to disclose such information on their own initiative.
- (b) To alert the public to their existing rights to information and encourage them to make full use of those rights.

WHAT THE CAMPAIGN WILL NOT SEEK

The campaign accepts that an element of confidentiality remains necessary, and in particular this campaign will not seek the disclosure of information that would:

- (a) endanger national security;
- (b) impair relations between the government and other governments or organisations;
- (c) adversely affect the value of sterling or the reserves;
- (d) adversely affect law enforcement or criminal investigations;
- (e) breach genuine commercial confidentiality;
- (f) invade individual privacy;
- (g) breach the confidentiality of advice, opinion or recommendation tendered for the purpose of policy-making.