



10 DOWNING STREET

THE PRIME MINISTER

17 February 1984

Dear Mr. Steel,

Thank you for your letter of 9 February about civil servants' contacts with the Freedom of Information Campaign. I am sorry that there was a misunderstanding last Thursday. I did not realise at the time that your Question referred to Lord Gowrie's recent letter to Mr. Des Wilson.

You suggest in your letter that what Mr. Wilson proposed in his letter to Permanent Secretaries was "a mere discussion" on how the rights of the citizen and individual freedom in a free democracy might be better safeguarded. With respect, that is not what Mr. Wilson was proposing. He sought "a constructive and friendly dialogue" on the proposals launched by the 1984 Freedom of Information Campaign, and invited them to express their views.

I certainly have no wish to stop constructive public discussion of the issue. I have already written to Mr. Wilson to explain why the Government believes that Freedom of Information legislation in this country is inappropriate and unnecessary. Opposition parties may take - some do take - a different view. To have accepted Mr. Wilson's invitation would have involved senior civil servants in discussion with a highly public campaign of politically controversial matters. The long established rules governing the behaviour of civil servants (which are set out in the Civil Service Pay and

/ Conditions

Conditions of Service Code) exclude this kind of discussion of matters of current political controversy. If we are to continue to have a politically impartial Civil Service, rules of this kind are essential. That is a position which successive governments have held, and it seemed only sensible for Lord Gowrie to point this out to Mr. Wilson.

Former civil servants are subject to certain restrictions after they have left the Service. But otherwise they are private citizens and may express their views like any other citizen. Since you refer to Sir Douglas Wass, however, perhaps I could point out that he did not in fact advocate a Freedom of Information Act in his recent Reith Lectures.

Yours sincerely
Rajaram Shetty

The Right Honourable David Steel, MP.



Ref. A084/523

MR FLESHER

Handwritten signatures in blue ink, including one that appears to be 'GR' and another that is more stylized.

--- I attach a draft reply to Mr Steel's letter of 9 February to the Prime Minister.

2. There was evidently a misunderstanding during Questions - indeed it was hard to guess from Mr Steel's actual Question that he was referring to Lord Gowrie's letter of 2 February, which simply pointed out that in accordance with the long standing convention that civil servants should not engage in public discussion of matters of current political controversy it would be inappropriate for senior civil servants to take part in discussion. No general instructions have been issued expressly "forbidding" civil servants to talk to the Campaign, and none should be necessary. It is, however, just possible that some Departments may have reminded their officials on the point; and Permanent Secretaries have been sent copies of Lord Gowrie's letter for information (it was agreed with them that a reply should be sent centrally). So it might be unsafe to say categorically that no civil servant, anywhere, has been "forbidden" to meet the Campaign. But the rules are in the Pay and Conditions of Service Code - an open document - and can be freely quoted.

3. Mr Steel's Question mentioned only "the workings of Whitehall". Civil servants are not of course totally precluded from talking in public about what their Departments are doing - for example when explaining before Select Committees how their Ministers' policies are being administered. But it is hard to see how a discussion could have been confined to harmless topics in this instance. Mr Wilson's letter in any case invited them to discuss the Campaign's general literature, which was highly political. So we suggest that the Prime Minister simply points out to Mr Steel that civil servants are bound by the normal and time-honoured rules.

4. Mr Steel did not mention the possibility of civil servants talking to the Campaign in their capacity as trade unionists.



We know that the First Division Association has been invited and plans to meet the Campaign, and no doubt other unions may be approached. The dividing lines are thin, and any serving civil servant involved will need to be careful to avoid being identified with a particular view. But the FDA has made clear that they are not pressing the case for FOI legislation - which the Government has ruled out - but are simply interested in discussing various ways, short of FOI legislation, in which the Government can be more open. They regard this as an issue of professional concern to their members.

5. You may want to consider how the record can be put straight. An arranged PQ might be rather heavy-handed, but copies of the Prime Minister's reply might perhaps be put in Libraries and given to the Press. Mr Steel's intention of writing to the Prime Minister appeared in the Guardian on 10 February, so there is nothing confidential about the correspondence.

RF

R P HATFIELD

15 February 1984



DRAFT LETTER FROM THE PRIME MINISTER TO
THE RT HON DAVID STEEL MP

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The long established rules governing the behaviour of civil servants (which are set out in the Civil Service Pay and Conditions of Service Code) exclude this kind of discussion of matters of current political controversy. If we are to continue to have a politically impartial civil service, rules of this kind are essential. That is a position which successive governments have held, and it seemed only sensible for Lord Gowrie to point this out to Mr Wilson.

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