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‘History must be written imperfectly’: closure and disclosure in British Public  
Records 1838-2006

David Vincent

**1) Introduction**

In 1836 a Select Committee was commissioned to investigate the state of public records in the United Kingdom and the work of the Record Commission which had been established in 1800 to oversee their management. It went about its business with great thoroughness, gathering a thousand pages of evidence from a range of archivists, historians, lawyers, politicians and officials, including a namesake of mine, Henry William Vincent, the King’s Remembrancer. This was the Committee’s considered conclusion:

From the foregoing Summary of the state of the Record Offices, and of the proceedings of the Record Commission, it will appear that the former is most unsatisfactory, and that the latter have been very inefficient, as far as regards the preservation and accessibility of the Records. The Records are kept in a number of inappropriate, unsafe, and inconvenient buildings scattered at great distances in all parts of the metropolis. In these they have been subjected to the accidents of fire, and to continued destruction from damp, dirt, vermin, and other natural causes of decay. In careless transfers from one Office to another, or from the Offices to private houses, many documents appear to have been destroyed and embezzled. A great proportion of them cannot be said to have been subjected to any arrangement. To the information which exists among those which are the best arranged, sufficient clue is seldom afforded by satisfactory Calendars and Indexes; and in addition to all these evils, the access of the public to these valuable materials for legal and historical

inquiries is debarred by the exaction of heavy fees and the imposition of needless and vexatious regulations.<sup>1</sup>

The Record Commission had so mismanaged its responsibilities that it had run up a debt of £24,000 whilst failing to supply historians with the basic tools of their trade. As the Committee observed, 'history must be written imperfectly, while historians know not what materials are to be found in our Record Offices.'<sup>2</sup> So great were the deficiencies of the system of keeping records that there was no prospect of deploying them for an adequate account of Britain's past:

Your Committee, looking to the unanimous Evidence which they have received as to the present defective state of our National History, particularly in the earlier periods, and coupling therewith the declarations of the most competent Witnesses, that if there exist at this time a person qualified by talent and character to supply so great a National deficiency as the absence of an authentic history of our country, the inaccessibility of the sources of that history, would render it hopeless for him to undertake a work of so much public importance.<sup>3</sup>

I have laboured in the archives for three decades, but rarely as a contemporary historian. My engagement with public records is not as a hand-to-hand combatant with the thirty years' rule and the longer withdrawals of public documents, but rather as an historian of the State's management of official information. The concern of this paper is the development of the modern systems for closure and disclosure from first Public Records Act in 1838 through to the Freedom of Information Act in 2000, which became operational in January 2005. I want to argue that the close interaction

between public records and the management of information that characterises the current situation in the United Kingdom has a long and complex history.

In key respects, the treatment of public records has from first to last reflected the central characteristics of the control of official information more generally.

## **2) The 1838 Public Records Act and its aftermath.**

The immediate consequence of the 1836 Report was the Public Records Act of 1838 which laid the foundation of the modern system. It created procedures for ensuring free access to properly indexed papers and set in motion the construction of a centralised archive on the Chancery Lane site.<sup>4</sup> There was no overnight transformation and indeed it took nearly half a century for a full response to be made to the Report's findings. However in the Act and its subsequent enhancement it is possible to identify the four main drivers of reform through to the present day. These are: the state, information technology, professionalism, and ownership.

First the State. The Report and the Act were by no means the first time governments had paid attention to the keeping of public records. The history of official concern that records be systematically preserved goes back at least to the late thirteenth century. What made the debate and legislation of the 1830s significant was both their scope and their political context. In 1832 the threat of revolution was averted by the admission to the constitutional process of the emergent middle class. The Whig Governments which were elected on the basis of the enlarged franchise set about modernising the machinery of government. They were particularly concerned to ensure that those who had the vote would henceforth be able to exercise it in an informed manner. In 1833 it committed itself to the creation of a literate population

through a grant of a subsidy to elementary education; in 1836 it legalized the political reading of the people through the reduction of the newspaper stamp to a penny; in 1838 it promoted access to the Parliamentary process by putting *Hansard* on sale; and in 1840 it sought to create a society linked by correspondence through the costly introduction of the Penny Post.<sup>5</sup>

Integral to this process was the generation of information about government and about the rapidly changing the economic and social conditions to which it needed to respond. As was to be the case in every subsequent debate in the nineteenth and twentieth centuries, the management of historical records could not be dissociated from the creation and management the contemporary archive. The Select Committee on Public Records had been preceded in 1833 by a Select Committee on Public Documents which addressed the question of whether the politicians, officials and the electorate were sufficiently informed about both the strengths and the weaknesses of the State. ‘It has long been a matter of complaint’, observed the Committee, ‘with those who wished to become acquainted with the Statistics of the British Empire, that information was not given in the Public Documents with the regularity and perspicuity which are indispensable in all inquiries of their nature.’<sup>6</sup> Reliable data needed to be collected and made available about the challenge posed to the political process by the industrialising economy and the urbanising society. The Report led to the creation of the Statistical Department of the Board of Trade under G.R. Porter later in 1833 and to the Registration of Births, Deaths and Marriages Act of 1836. The attention then paid to historical records was an extension of the conviction of the Whig administration that political ignorance was the greatest threat to effective political reform.

Secondly, information technology. This book is extensively concerned with the problems posed by the rapidly changing systems for recording and managing data. It needs to be recognised, however, that the microchip is merely the latest in a series of developments which since the early nineteenth century have been significant drivers of reform. The growth of the modern civil service, which reached its first public milestone with the Northcote-Trevelyan Report of 1854, was based on an increasingly extensive and rigorous use of paper. Writing was not, of course, a new technology in the second quarter of the nineteenth century, although the manufacture of paper was being mechanised. What was new was the increasing dependency of public administration on a rapidly growing volume of archived and recoverable correspondence and reports. The flow of paper in the Home Office quadrupled in twenty-five years and tripled in the Foreign Office and the Board of Trade.<sup>7</sup> In the aftermath of the 1838 Act, the Treasury, as guardian of the fledgling civil service, began to take an increasingly urgent interest in the management of official records, as the confusion caused by the growing mountain of inadequately archived material was becoming 'unbearable'.<sup>8</sup> In 1846 it endorsed a proposal from the Master of the Rolls that all Departmental records be properly indexed, and in 1852 it promulgated an Order in Council which formally brought all Departments within the scope of the Act and ensured that their material was destined for Chancery Lane, and not, as had been proposed, for the British Museum.

The relentless expansion in the production of official papers also forced attention on what was to become a dominant issue in the management of records, their deletion. Prior to the middle of the nineteenth century documents had been lost only by

accident or neglect. But as the work of the civil service grew it became evident that destruction would have to be embraced as a deliberate and deliberative action. Within a decade of the 1838 Act the Master of the Rolls, who had formal responsibility for public records, was seeking to regulate his authority to get rid of material. The construction of the premises in Chancery Lane seemed likely to be overwhelmed by the work of government offices. A Committee established in 1858 calculated that at least 40% of official papers should not be preserved. A start was made between 1861 and 1865 when nearly 400 tons of War Office and Admiralty material were destroyed.<sup>9</sup> Following a further enquiry in 1876 a new Public Records Act was passed in 1877 which established formal procedures for weeding records, including the maintenance of schedules listing what had been deleted.

Thirdly, professionalism. The 1836 Select Committee was in no doubt that the future of public records depended on the quality of the personnel with effective control over them. The Records Commission created in 1800 was an unwieldy body of representatives from various offices of State, the law and the church, which had spent over half a million pounds managing a totally ineffective system. As elsewhere in the machinery of government, including the poor laws, the education system, the police and the prisons, what was needed was a new species of trained, salaried official, who not be vulnerable to the whims of self-interested amateurs. This meant ending the practice of making money directly from the performance of services and recruiting to positions of authority men with genuine expertise in the management of archives.

The new professionals would generate and apply policy not just on the management but also on the creation of records. The Select Committee realised that there was no

point in establishing better systems for archiving material if the material itself was incapable of surviving the passage of time. A new Records Commission, with fewer lay members, should be capable of interacting with contemporary clerks:

Among these powers, it appears that a Record Commission ought to be invested with some authority over the composition of modern Records.

Variations in the writing and imperfections of the materials used, which are productive of bad effects, do not appear to be sufficiently guarded against. The Records are now made up in various forms, very frequently at the caprice of the attorney. Among the Records of the King's Bench, Members of Your Committee saw one of not more than 20 years of age, which, owing to the defective character of the ink or preparation of the parchment, was almost illegible.<sup>10</sup>

If the issue was the quality of the ink in the 1830s, advice would be needed later in the century on the new forms of paper, on the introduction of primitive duplicating systems in the 1870s and the arrival of the typewriter in the 1890s.

The final driver of change was the issue of ownership. There is a basic paradox in the process of nineteenth-century reform. Prior to the 1838 Act, the phrase 'public record' referred mainly to legal documents which embodied the rights of individuals and were preserved for their consultation. The Act itself was explicitly concerned with this category of material, but the subsequent development of the system, particularly under the influence of the Treasury, widened the scope of the legislation to cover all forms of government paperwork. And as the notion of a record expanded, that of the public contracted. Instead of material which was about and belonged to the general population it came to describe documents created and owned by the State.<sup>11</sup>

Sometimes explicitly, more often implicitly, a series of long-term decisions were taken about the fundamental question of control.

From the outset it was made clear that the enlarged and professionalized public records bureaucracy had the power to advise but not control the government machine. At the end of the day it could only receive what was sent to it. In addition the component parts of the machine, the individual ministries, were advised but not controlled by the Treasury. There was no requirement that one department should adopt the same procedures as another, nor even be aware of what practices were being employed elsewhere in government on the preservation and deletion of material.<sup>12</sup> As the 1912 Royal Commission on Public Records discovered, 'some of the Departments, for reasons of public policy, have always thought it important to retain the power of regulating access to their documents and of controlling the use of those which are made accessible.'<sup>13</sup> The final arbiter of behaviour was the permanent secretary of the department concerned, who would not recognise a procedural distinction between current and posthumous record of the work of his staff.

Further, and more fundamentally, whilst the Public Records Office was to be subject to Parliamentary scrutiny, there was to be no direct transfer of ownership of official records from the state bureaucracy to the electorate or the population more broadly. In this regard the historical and the contemporary archive belonged to the same legal and cultural universe. Following a major political scandal in 1844, when the Home Office was caught opening the correspondence of Italian exiles at the behest of the Austrian government, the lineaments of official communication were reformulated for a democratic age.<sup>14</sup> It was confirmed that the public had no possession in government

information, and no absolute right of access to it. The possibility of the abuse of power was to be countered the doctrine of 'honourable secrecy' which required that trust be invested in the behaviour of civil servants on the basis of their unwritten code of professional ethics. The honour of the gentleman, reinforced by a public school and university education, and policed by the emerging culture of the disinterested public servant, would be sufficient to ensure that such information was released or preserved as the electorate needed to know. Where the material touched on issues of national security, there would be no discussion of the existence, let alone the content, of the official record. Secrecy was to be itself secret.

The public records system was distinct from the official information system more broadly only in that the State felt free to legislate as the need arose. After the embarrassment it suffered in 1844, it was very reluctant to bring the regulation of official secrecy to the attention of Parliament. Eventually the increase in international tension and the growth of the government bureaucracy, which began to draw in men from lower social backgrounds, and still worse women after the introduction of the typewriter, forced it to rush through two brief official secrets acts in 1889 and 1911. The 1911 Act briefly and brutally defined all official information as secret unless released at the discretion of the official. The rules for exercising this discretion were not embodied in law until the Act was modified in 1989, and force this approach to official communication determined the behaviour of government until the Freedom of Information Act came into force in 2005.

### **3) 1954-2000**

As in the 1830s, it was a major transformation in the role of government which forced further attention on the public records system. A year after the fall of the reforming post-war Labour administration an enquiry was established to investigate the consequences for public records of its work. The Grigg Report, which was published in 1954, found that, 'the greatly extended part played by the central Government in the economic and industrial life of the country, together with the advent of the welfare state, have increased enormously the amount of papers created in the course of Government administration.'<sup>15</sup> Whereas the old Home Office was generating half a mile of documents a year, the newly created Ministry of Supply was producing twelve miles.<sup>16</sup> The actions of politicians were being compounded by the effects of the 'invention of such devices as the typewriter and the duplicating machine.'<sup>17</sup> In the absence of a systematic policy governing the release of papers to the Public Records Office by departments, or from it to the general public, the progress of the State threatened to engulf its record system. As a temporary measure, material awaiting a decision on preservation was being stored in the Hayes Depository, popularly known as 'Limbo'. Professional historians now needed not only access to material but protection from it. There was, concluded Grigg, an urgent need for more rigorous weeding procedures in order to 'prevent historians being overwhelmed.'<sup>18</sup>

There was a second legacy from the post war government. Amongst the papers created by the Ministry of Supply were the costs of Britain's atomic bomb programme. The decision to build the bomb was taken by a small group of cabinet ministers in January 1947. It was not announced to Parliament until May 1948 and the Government successfully avoided any subsequent debate on the issue. When Churchill returned to power in 1951 he claimed to have been 'rather astonished' that

£100 million had already spent on the programme without any public scrutiny.<sup>19</sup> As the cold war intensified, the secret State expanded.<sup>20</sup> Vetting procedures were introduced for civil servants in 1948 and tightened in 1952 following the arrest of Klaus Fuchs and the defection of Burgess and Maclean. The controls were extended into the domestic arena as an atomic energy programme was commenced in conditions of great secrecy. In this environment, the instincts of non-disclosure flourished within the civil service more broadly. An enquiry into the Crichton Down scandal published in the same year as the Grigg Report attributed the malpractices to 'the passionate love of secrecy in so many minor officials'.<sup>21</sup>

Grigg's recommendations were embodied in a series of administrative changes and in the Public Records Act of 1958, which remains the basis of the current system. The advance of information technology was recognised by the formal inclusion within the sphere of public records of films, photographs and sound recordings. Although the first mainframe computers were now use, it was still far too early to perceive their impact on the work of the government. A major effort was made to professionalise archive management within the civil service. Grigg had emphasised the central importance of the quality of staff employed in this work. Much of the current disorder could be attributed to deploying untrained junior officials who tended to give records a low priority. A new rank of departmental record officer was established, whose duties were to be aligned with those of a records administrations officer within the PRO. Between them the departmental and PRO officers were to administer a new two-tier system of destruction and preservation. An Advisory Committee of lay users was established to give guidance to the process. At five years, the DROs were to weed the bulk of material in departments on the basis of administrative convenience. After

twenty-five years a second review would be conducted jointly by departments and the PRO to identify material for permanent preservation on the basis of bureaucratic and historical criteria.

The most complex area of reform concerned the issue of ownership. Here the legislation reflected the ambiguity of the political context. In recognition of the deepening of the notion of citizenship embodied in the welfare state, the Act embodied for the first time a statutory, general right of access to public records. Control of the system was moved from the Master of the Rolls to the Lord Chancellor, who combined legal with political authority. The limit of fifty years, which had been under discussion for most of the century, was introduced, and the ritual of the release of a new year's material every January was commenced. In the context of the extension of secrecy in the contemporary work of the State, this was a significant advance. It became all the more striking as successive Governments in the following decades evaded mounting calls to reform the Official Secrets Act. As a consequence the Public Records Act was increasingly forced to stand as a surrogate for a missing Freedom of Information Act.<sup>22</sup> It was thus exposed to a burden of expectation and criticism which in some respects was disproportionate to its role in the broader process of communication between the State and its citizens.

The debate focused on the fifty year rule, and on the clauses in the Act which permitted Departments to withhold material from the PRO, and the PRO to close its holdings to historians. A further Public Records Act in 1967 reduced the fifty year period to thirty, but this served to increase attention on the operation of the clauses permitting extensions of the standard period. Here the expansion of the concept of

national security which had taken place after the war, in conjunction with the long-standing tradition of keeping secrecy itself secret, caused growing problems. A review of the 1958 Act in 1981 reported on the operation of Section 3(4):

Under this section, records selected for permanent preservation can be withheld from the PRO for 'administrative purposes' (i.e. because they are important for the current work of the department concerned) or for 'any other special reason' which means, in effect, national security; the Lord Chancellor as responsible Minister must be informed of the facts and have given his approval for withholding them. The Advisory Council is not informed, much less consulted, about such cases. Nor is there any formal instrument to indicate which records are being withheld.<sup>23</sup>

In addition, as the 67 Act was being passed, the Secretary of the Cabinet obtained permission to withhold certain categories of material *en bloc*, without any inspection by the Lord Chancellor. These 'blanket approvals', as they became known, principally covered defence and atomic energy material. Papers which did find their way to the PRO could be closed under Section 5(1) for more than thirty years if, as a 1970 definition put it, 'disclosure would be contrary to the public interest whether on security or other grounds (including the need to safeguard the revenue)', if they contained 'information supplied in confidence', and if they contained 'information about individuals, the disclosure of which would cause distress or embarrassment to living persons or their immediate descendants.'<sup>24</sup> Between 1958 and 1980, fifty-seven instruments extending closure beyond the standard period were made, of which thirteen were for more than a hundred years.

These categories were so broadly drawn as to offer little assurance to historians about their content. 'Under present conditions', the 1981 Report found, 'it is extremely difficult for the user to discover the extent and nature of the documents to which he is denied access. Even information available to the Advisory Council about closures is scant.'<sup>25</sup> As in the world of contemporary disclosure, everything depended on the discretion of officials and ministers, and in spite of the formal legal right of access there was too little effective scrutiny of how they exercised it and still less explanation. A White Paper on Open Government in 1993 summarised the official reluctance to discuss blocked communication which had been in place over the century and a half since the first Public Records Act:

Hitherto when records have had to be closed for longer than 30 years or retained by departments no reason has been given other than to say that the provisions of the Public Records Act 1958 permit such closure or retention in accordance with agreed criteria. This is because Governments have taken the view that to say more could endanger the very information that closure or retention seeks to protect. It has been the practice of successive Administrations not to disclose the contents of records withheld from public release.<sup>26</sup>

#### **4) Freedom of Information**

By the early 1980s it was recognised that significant reform of the access provisions of the Public Records system would, as the Wilson report put it, 'most probably be approached in the context of a freedom of information policy.' There was some relaxation in 1992 when a test of actual harm was applied to the categories, although at the same time the concept of national security was broadened to include 'the

economic interests of the United Kingdom'.<sup>27</sup> Under the 1992 'Waldegrave Initiative' a process of review and release was set in train, reinforced by the 1994 Code of Practice on Access to Government Information, which led to the release into the Public Record Office of some 80,000 restricted Cold War files.<sup>28</sup> The Code was itself an evasion of mounting public clamour for legislation on Freedom of Information and finally the new Labour Government of 1997 made good its long-standing manifesto pledge and set out an ambitious programme of reform in a White Paper entitled Your Right to Know. Unlike the 1989 Official Secrets Act, which at the time seemed little more than a stopgap reform, the proposed Freedom of Information Act would 'provide the people of this country, for the first time, with a general statutory right of access to the information held by public authorities.'<sup>29</sup> The principle that communication was the privilege of the state rather than the citizen was at last to be reversed. Henceforth, it would be for officials to prove the harm caused by disclosure, and not for the enquirers to demonstrate the benefit. The default position, to be embodied in a public interest test, was 'a presumption of openness'.<sup>30</sup>

The journey between the White Paper and the eventual Freedom of Information Act of 2000 (Scotland passed its own version in 2002) was a troubled one. In the immediate aftermath of the White Paper, New Labour's desire for reform lost out to its baser instinct for control. The author of the White Paper, David Clark, was dismissed, the document itself was largely torn up and a vastly feebler version adopted as a draft bill. Where there had been no class exemptions, now there was a long list of categories of information immune to the legislation. The critical tests of public harm had disappeared, and most worryingly of all, a ministerial veto was introduced which could override all other considerations. In the following two years vigorous lobbying

of the draft Bill succeeded in moving the legislation at least part of the way back to the vision of the White Paper. Exemption categories remained, covering defence, international relations, law enforcement, commercial interests, the economy, the frankness of internal discussions or the 'effective conduct of public affairs'.<sup>31</sup>

However the capacity of government to block information without judgment or appeal was curtailed. Maurice Frankel, who has run the Campaign for Freedom of Information through thick and thin, summarised the key achievement of the lobbying campaign: 'I think the critical thing was, they agreed to make the public interest test mandatory. Although they retained the ministerial veto, that fundamentally shifted the organisation of the bill, so, what was then a gigantic class exemption to do with policy formulation, for example, became subject to a statutory test of whether on balance disclosure was in the public interest or not.'<sup>32</sup>

Even so, there was great uncertainty about what would happen when the Act eventually became operational in January 2005. There was sufficient doubt about the motives of Government and enough latitude in the terms of the legislation to dampen expectations. The early verdict of those most sceptical of government intentions in this field is one of relief. Maurice Frankel was interrogated earlier this year by the Commons Constitutional Affairs Committee. He was asked for his judgment so far: 'I am very pleasantly surprised', he replied, 'by the amount of information that has come out and the importance of a lot of it. I think we have a functioning Freedom of Information Act, which was not always guaranteed. It was always possible that we would have one on paper that did not do very much in practice; but I think that we have a worthwhile, important piece of legislation and it is functioning at the moment.'<sup>33</sup> In the first fourteen months there were around 100,000 applications for

information, and unlike the experience of the American system, the majority of the requests had been from the general public. David Hencke, who had led *The Guardian's* highly vocal attack on the old culture of secrecy, responded in similar terms: 'As a sceptical old hack, I have been very surprised and pleased with parts of this Act. Journalists would not use it on a day-to-day basis for a story you are running, but they would use it to get information on a wide area.'<sup>34</sup>

The critical commentary on the early implementation of the Act is notable for the dogs that are not barking. However much is feared or expected of the letter of an Act, its effect cannot be known until it is applied. To date, the public interest test seems to have prevented the exemption categories from undermining the principles of the Act. The ministerial veto has not been freely used to shield government. If the Information Commissioner has kept a lower profile than some would wish, his office and the associated Tribunal to hear complaints have acted as an independent monitor. Part of the relief reflects the depth of mistrust engendered by the Government's bout of cold feet after the White Paper was published. It does now appear as if at least some of the rhetoric of reform was genuine. But it also has much to do with the association between the Act and the longer history of reform of Public Records.

One of the ambitions of the Act was finally to merge the two traditions of managing official information which had led divergent lives since the emergence of the modern state. In the words of the White Paper, 'The Government wants the two systems - Freedom of Information for current records and Public Records for historical records - to complement each other to give a unified approach to openness'.<sup>35</sup> In practice, there was a striking asymmetry of influence in the structure. The half century of

reform of public records was built in to the new legislative and administrative framework for public information more broadly. It was not merely that the 2000 Act took over the 1958 Act's right of access. The new systems of controlling that access owed a great deal to the public records tradition, whilst the amendments to the 1958 Public Records Act in the Freedom of Information Act were comparatively minor.

This meant that in terms of public records, the impact of the implementation of the Act was comparatively muted. The anticipated destruction of the 30 year-rule for historical records had already been partly achieved by the Waldegrave Initiative. A further 50,000 files closed under the 30-year rule were released although, in keeping with its general attitude to Freedom of Information, all of Government could not entirely let go. In that glad dawn of January 2005 the Foreign Office decided to release for the first time files from its department responsible for liaison with the intelligence services – but these only covered the period from 1870 to 1939.<sup>36</sup>

More importantly, the Freedom of Information system incorporated the professionalisation of record management which has been a feature of Public Records reform since 1838. At the end of 2002 the Lord Chancellor promulgated a Code of Practice for the Act which in effect extended the systems of the PRO (now the National Archive) to the contemporary archive. The Information Commissioner was to work with the Keeper of the Public Record Office to oversee the formulation of policy statements, human resource plans, and record creation, storage and disposal protocols across all the public sectors covered by the Act. The Public Record Office 1999 statement on generic requirements for electronic management systems was to be adopted in all offices.<sup>37</sup>

In place of the larger fears, the quieter virtues of the Freedom of Information infrastructure are beginning to become more salient. The Act appears to have established a consistent system across the 100,000 or so public bodies which it covers including not only central government but also schools, universities, health trusts, local councils and the police. The network of FOI officers established during the long run-up to 2005 seems to be working, and public bodies have a duty not only to comply with requests, but also 'to adopt a scheme for the publication of information and actively to advise and assist those seeking information.'<sup>38</sup> As the shape of the new regime emerges from the fog of debate and mistrust which has surrounded the issue since 1997, it may well be that the long Public Record Office experience of professionalism offers the greatest prospect of a genuine reform in the relation between the state and its citizens in the management of information.

(6052 with notes)

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## Notes

- <sup>1</sup> Report from the Select Committee on Record Commission (1836) PP1836 XVI, p. xxviii.
- <sup>2</sup> Select Committee on Record Commission, p. xxviii.
- <sup>3</sup> Select Committee on Record Commission, p. xliii.
- <sup>4</sup> The most accessible account of the Act and subsequent reforms is to be found in, Report of the Committee on Departmental Records [Grigg] (1954), PP 1953-4, XI, pp. 9-15.
- <sup>5</sup> David Vincent, The Culture of Secrecy. Britain 1832-1998 (Oxford: Oxford University Press, 1998), p. 4.
- <sup>6</sup> First Report from the Select Committee on Public Documents (1833), PP 1833 XII, p. 3.
- <sup>7</sup> Report from the Select Committee on Official Salaries (1850), PP 1850 XV, p. 88, 204, 458.
- <sup>8</sup> Report of the Committee on Departmental Records, p. 12.
- <sup>9</sup> Royal Commission on Public Records (1912), PP 1912-13 XLIV, p. 15.
- <sup>10</sup> Select Committee on Record Commission, p. xlii.
- <sup>11</sup> Report of the Committee on Departmental Records, p. 18; Vincent, The Culture of Secrecy, pp. 47-9.
- <sup>12</sup> N. Cox, 'The Thirty-Year Rule and Freedom of Information', in G. H. Martin and P. Spufford (eds.) The Records of the Nation (Woodbridge: Boydell and Brewer, 1990), p. 75.
- <sup>13</sup> Royal Commission on Public Records, p. 5.
- <sup>14</sup> Vincent, The Culture of Secrecy, pp. 1-18.
- <sup>15</sup> Report of the Committee on Departmental Records, p. 18.
- <sup>16</sup> Report of the Committee on Departmental Records, p. 29; Vincent, The Culture of Secrecy, p. 217.
- <sup>17</sup> Report of the Committee on Departmental Records, p. 5.
- <sup>18</sup> Report of the Committee on Departmental Records, p. 19.
- <sup>19</sup> Margaret Gowing, Independence and Deterrence: Britain and Atomic Energy, 1945-1952, Vol. 2, Policy Execution (London, 1974), p. 46.
- <sup>20</sup> Vincent, The Culture of Secrecy, pp. 194-210.
- <sup>21</sup> Public Inquiry ordered by the Minister of Agriculture into the Disposal of Land at Crichel Down, Cmd. 9176 (June 1954), p. 27.
- <sup>22</sup> M. Roper, 'Access to Public Records', in R. A. Chapman and M. Hunt (eds.), Open Government (London, 1989), p. 88.
- <sup>23</sup> Modern Public Records. Selection and Access. Report of a Committee Appointed by the Lord Chancellor [Wilson] (1981), Cmnd 8204, p. 51.
- <sup>24</sup> Modern Public Records, p. 54.
- <sup>25</sup> Modern Public Records, p. 55.
- <sup>26</sup> White Paper on Open Government (1993), Cm 2290, pp. 68-9.
- <sup>27</sup> White Paper on Open Government, p. 65.
- <sup>28</sup> Peter Hennessy, The Secret State. Whitehall and the Cold War (London: Allen Lane, 2002), pp. xii-xv.
- <sup>29</sup> Your Right to Know. Freedom of Information (December 1997) Cm 3818, para 1.3.
- <sup>30</sup> Your Right to Know, para 3.1.

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- <sup>31</sup> Maurice Frankel, 'In the public eye', The Guardian, 14 December, 2004
- <sup>32</sup> 'Interview with Maurice Frankel, Director of the Campaign for the Freedom of Information' Freedom of Information. <http://freedomofinformation.co.uk>.
- <sup>33</sup> House of Commons, Minutes of Evidence taken before the Constitutional Affairs Committee, 28 March, 2006. <http://www.publications.parliament.uk>.
- <sup>34</sup> House of Commons, Minutes of Evidence taken before the Constitutional Affairs Committee, 28 March, 2006. <http://www.publications.parliament.uk>.
- <sup>35</sup> Your Right to Know, para. 6.2.
- <sup>36</sup> The Guardian, 4 January, 2005
- <sup>37</sup> Department for Constitutional Affairs, Lord Chancellor's Code of Practice on the Management of Records. Issued under section 46 of the Freedom of Information Act 2000 (November, 2002).
- <sup>38</sup> Department for Constitutional Affairs, The Freedom of Information Act 2000. <http://www.dca.gov.uk/foi/foiact2000.htm>; The Campaign for Freedom of Information, A Short Guide to the Freedom of Information Act and Other New Access Rights, 28 January, 2005.