

From the Rt Hon Patricia Hewitt MP  
Secretary of State for Health



Your ref: CC/SM

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*Dear Charles,*

Thank you for your letter of 14 December enclosing further correspondence from your constituent Mr GRO-A of GRO-A about his Freedom of Information request for papers relating to the treatment of haemophilia patients and blood safety. Mr GRO-A's email also referred to Sir Nigel Crisp's letter of 1 December to Lord Jenkin, explaining how some of the papers were inadvertently destroyed, and my letter to you of 25 November setting out the Department's current policy and practice on retention of records.

Bringing this correspondence together has created potential for misunderstanding. The retention and disposal schedule I sent you in November did not exist when the papers were destroyed in the 1990s, nor did we at that time receive certificates confirming the destruction of consignments of records. If I had appreciated that your letter was requesting information about the Department's policies in the past, I would have given a more comprehensive reply, which I now give below.

Mr GRO-A asks specifically why an inexperienced member of staff was allowed to make decisions to destroy important papers. The plain answer is that we do not know enough about what happened to answer that question. Clearly, the papers should not have been destroyed. I am very sorry that they were.

When the records in question were destroyed, the general guidance on records management was broadly the same as it is today. Departments are obliged under the terms of the Public Records Act 1958 to identify records needing long-term retention, while destroying most of their records as soon as their administrative value ends. Decisions on retention and destruction of records should always be made by individuals with knowledge of the content and likely future importance of the records.

The guidance current when the records were transferred to the Departmental Record Office stated that decisions on retention or destruction of Departmental files should be made by an officer of at least Executive Officer grade, who was "appointed by senior officers who are satisfied that the officer is sufficiently aware of the administrative

needs of the section to be able to make the decisions". A decision to destroy a file was appropriate when files either had:

- no further administrative value at all; or
- only a short term administrative need.

Files marked for destruction would have been destroyed by the Departmental Record Office either two or five years after the date of the last paper on the file.

The appropriate decision for the records we are discussing would have been to retain the records for review after 25 years when a further decision would be made, whether to destroy or retain the files. After 25 years, we would only retain files if they had historical or continuing administrative value.

These particular records were destroyed between 1994 and 1998, in line with instructions written on the file by a member of the policy team when the records were transferred to the archive three or four years before. Sir Nigel's letter made it clear that the records should not have been destroyed. I do not believe we can go further in examining the causes of the mistake.

Sir Nigel's letter mentioned an internal review undertaken by officials when they discovered that the files had been destroyed. This review led to recommendations for a number of records management improvements, including:

- production of the retention schedule I recently provided;
- building protection against inappropriate destruction into the Department's electronic records system;
- ensuring that retention decisions are only made by staff at a higher level of seniority or with sufficient knowledge and experience to make such decisions; and
- raising the emphasis given to records management in induction for new staff.

These recommendations have been put in place, and with guidance already in use should help prevent such errors in future. We are making every effort to provide staff with good guidance and prevent mistakes.

Mr GRO-A also mentions article 14.7.1 of the Department's retention and disposal schedule, and asks to see a certificate confirming destruction. As I mentioned above, although the schedule and destruction certificates were not available in the 1990s when the records were destroyed, the guidance outlined above should have ensured that the right decision was taken.



May I say again how very sorry I am that these processing errors occurred.

I hope that this reply is helpful.

*Best wishes,*

GRO-C

PATRICIA HEWITT