

**Reference No:** E109/161/78; **Date:** 02/04/79

### **Circular 15/1979:- Official Secrecy and Integrity**

A Dhuine Uasail,

I am directed by the Minister for the Public Service to say that it has been decided to restate in a new circular the obligations on civil servants in relation to official secrecy and integrity. These obligations are at present set out in Circular 28/63.

#### Secrecy

2. The obligations of civil servants in relation to secrecy in the transaction of official business are provided for in Section 4 of the Official Secrets Act, 1963. The relevant provisions of the Act are summarised overleaf. Under the Act each civil servant is prohibited from communicating official information unless he is authorised to do so in the course of, and in accordance with, his official duties, or where it is his duty in the interest of the State to communicate it.

3. The prohibition of the communication of official information applies to persons who have retired from public office in relation to official information which they obtained or to which they had access before retirement.

4. Any doubt which may arise as to whether a civil servant is authorised to communicate information in the course of and in accordance with his duties should be referred for decision to the Head of his Department, through the appropriate official channel.

5. The Minister wishes to remind all civil servants that it is their duty not to make unauthorised communications directly or indirectly, about matters which come to their knowledge in the course of their official duties and to refrain from mentioning such matters to anyone other than in the course of such duties. Particular care should be taken to avoid releasing official information in the course of informal or unguarded conversations. This instruction applies to decisions already taken as well as to matters which may still be under consideration or discussion.

6. It should also be understood that no officer is permitted, without the prior sanction of the Head of his Department, to prepare for publication or publish any material touching on the business of his own or other Departments. Any civil servant, therefore, before preparing for publication any such work, containing information drawn from sources to which he has had access in his official capacity, or of which he has acquired personal knowledge in the course of official duties must apply for permission to, and abide by the decision of the Head of his Department.

7. It is also very important that officers who have charge of official documents should take every precaution to ensure that the arrangements for the handling, filing and storing of those documents are such that there is no risk on that score of unauthorised disclosure of information.

#### Integrity

8. In regard to integrity in the performance of official duties by civil servants, the Minister wishes to direct attention to the memorandum (also overleaf) of provisions in the Prevention of Corruption Acts, 1889 to 1916, as adapted by the Adaptation Order No. 37 of 1928, which apply to any person holding an office remunerated out of the Central Fund or monies provided by the Oireachtas. The Minister also wishes to emphasise the seriousness of using official information for the purpose of obtaining private gain for oneself or any other person.

Circulation

9. A copy of this Circular should be given to each future appointee to your Department. The official should return duly signed and dated the attached slip acknowledging that he has read and noted the contents of the Circular. The slip when completed should be placed on the officer's personal file. The contents of the Circular should be "noted" again by the officer (by way of endorsement on the original acknowledgement slip) after he has been serving two years.

10. A copy of the Circular should also be given to, and acknowledged by, all recently recruited staff after they have completed two years' service.

General

11. Heads of Departments should ensure that copies of the Official Secrets Act, 1963 are available for reference by members of the staff who may require to consult it.

12. Further copies of this Circular may be obtained from the Stationery Office.

13. Circular 28/63 is superseded accordingly.

Mise le meas,  
K. Murphy

Circular 15/79 - Official Secrecy and Integrity

I have read and noted the contents of Circular 15/79.

Signed \_\_\_\_\_ Department/Office \_\_\_\_\_  
Date \_\_\_\_\_

Official Secrets Act, 1963  
Official Information

4. (1) A person shall not communicate any official information to any other person unless he is duly authorised to do so or does so in the course of and in accordance with his duties as the holder of a public office or when it is his duty in the interest of the State to communicate it.

(2) A person to whom subsection (1) applies shall take reasonable care to avoid any unlawful communication of such information.

Definition

"official information" means any secret official code word or password, and any sketch, plan, model, article, note, document or information which is secret or confidential or is expressed to be either and which is or has been in the possession, custody or control of a holder of a public office, or to which he has or had access, by virtue of his office, and includes information recorded by film or magnetic tape or by any other recording medium;

A certificate given by a Minister under his seal that any official code word or password or any sketch, plan model, article, note, document or information specified or indicated in the certificate is secret or confidential shall be conclusive evidence of the fact so certified.

Prevention of Corruption Acts, 1889 - 1916  
(As Adapted by Adaptation Order No. 37 of 1928)

Any person holding an office remunerated out of the Central Fund or moneys provided by the Oireachtas shall be guilty of a misdemeanour punishable by imprisonment, or fine, or both, if he:-

(a) corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to the affairs or business of his Department, or for showing or forbearing to show favour or disfavour in relation to such affairs or business; or

(b) corruptly gives or agrees to give or offers any gift or consideration as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to the affairs or business of the State, or for showing or forbearing to show favour or disfavour to any person in relation to the affairs or business of the State;

(c) knowingly uses with intent to deceive the Head of his Department any receipt, account or other document in respect of which his Department is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which to his knowledge is intended to mislead.

Where it is proved that any money, gift, or other consideration has been received by a person holding an office remunerated out of the Central Fund or moneys provided by the Oireachtas, from a person or agent of a person, holding or seeking to obtain a contract from a Government Department, the same shall be deemed to have been received corruptly as such inducement or reward as is mentioned in the Acts, unless the contrary is proved.