

Reference No: E109/161/78; **Date:** 21/04/98

Circular 7/1998:- Freedom of Information

A Dhuine Uasail

I am directed by the Minister for Finance to refer to Circular 15/79 concerning official secrecy and integrity and to say that, in light of the amendment of the Official Secrets Act by the Freedom of Information Act, paragraphs 2 to 7 of Circular 15/79 are now superseded by this Circular.

Freedom of Information

Under the Freedom of Information Act 1997, members of the public enjoy, inter alia, a legal right of access to information held by Government departments and other public bodies. This right is subject only to certain exemptions. Arising from the Act certain officers will be given explicit responsibility for the provision of information to members of the public on foot of requests made under the Act.

The Official Secrets Act has been amended by the Freedom of Information Act. However, it remains a requirement that civil servants, and former civil servants, avoid improper disclosure of information gained in the course of their official work. This is essential so as to enable the efficient discharge of public business and to protect sensitive information given to Government bodies by third parties. Disclosure of information would be likely to be improper where a person has not been given responsibility or authority to provide information to the public under the Freedom of Information Act, or is not otherwise authorised to do so. Officers should familiarise themselves with official guidance in this area which is available from Personnel Units.

Particular care should be taken to safeguard the confidentiality of information concerning the private affairs of members of the public or concerning the commercial affairs of companies or organisations which has been submitted in connection with official business on condition, or on the reasonable assumption, that it would remain confidential. 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 or her duties should be referred in the case of a freedom of information request for decision to the officer who is

authorised to make decisions on requests for information under the Freedom of Information Act. If information is sought outside the Freedom of Information Act then the matter is subject to existing restrictions under the Official Secrets Act.

From time to time civil servants will deal with particularly sensitive information. Such information will include information the release of which would

- put at risk the life or safety of any individual,
- pose a serious threat to the security, defence or international relations of the State,
- undermine the police or judicial process involved in dealing with serious crime,
- adversely affect developments in relation to Northern Ireland,
- pose a serious risk to the economic interests of the State.

Particular care should be taken of such information and officers should familiarise themselves with and follow fully any particular procedures which have been put in place for the classification and protection of such information.

Circulation

A copy of this circular should be given to every officer, including every new recruit to the service on appointment. All officers should return, duly signed and dated, the attached slip acknowledging that s/he has read and noted the contents of this circular. The slip, when completed, should be placed on the officer's personnel file.

Heads of Departments and Offices should ensure that guidance material in relation to the disclosing of information under the provisions of the Freedom of Information Act 1997 is available for reference by officers who may require to consult it.

Mise le Meas

John Hurley
Secretary-General, Public Service Management and Development

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I have read and noted the contents of circular 7/98

Name in Block Capitals: _____

Signature: _____

Date: _____ Department/Office _____