

CONFIDENTIAL.

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THE OFFICIAL SECRETS ACTS, 1911 AND 1920.

Information for the Guidance of Civil Servants and Government Officials.

Any person is guilty of a misdemeanour punishable by imprisonment up to two years, or fine, or both, who having in his possession or control any sketch (including photograph), plan, model, article, note, document, secret code word or information which he has obtained or has had access to owing to his official position,

- (a) communicates the same to any person other than a person to whom he is authorised or it is his duty to communicate it; or
- (b) retains it when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to take reasonable care of it; or
- (c) uses the information in his possession in a manner prejudicial to the safety or interests of the State.

It is felony punishable with penal servitude up to fourteen years for any person for any purpose prejudicial to the safety or interests of the State to obtain, collect, record, publish or communicate to any other person any sketch, plan, model, article, or note, or other document, secret code word or information which might directly or indirectly be useful to an enemy.

Any person who attempts to commit any offence under the Act, or incites or counsels or attempts to procure another person to commit an offence under the Act, will be liable to the same punishment as if he had committed the offence.

The Lieutenant-Governor wishes to impress upon Civil Servants and Government Officials in this connection the duty not only of never making any unauthorised communications directly or indirectly to representatives of the Press in reference to matters which have become known to them in the course of their official duties, but also of abstaining from mentioning such matters to anyone outside the Service in such circumstances as to incur a risk of their

being made public. It is a rule of the Service that no official information may be communicated to public journals without the sanction of the responsible heads of the Departments, and anyone infringing this regulation renders himself liable to instant dismissal. This is not confined to matters still under discussion, but as the time and manner of publication may be of vital importance it extends also to the premature and unauthorised disclosure of decisions. The offence consists in the publication without authority of any official information, and the responsibility of officers extends not merely to actual publication, but to furnishing information which is published by others.

II. PUBLICATION OF WORKS RELATING TO OFFICIAL BUSINESS.

No Civil Servant or Government Official should publish, without first obtaining from the Government Secretary the sanction of the Lieutenant-Governor, any book, article or paragraph touching on official business. While the Lieutenant-Governor has no wish to restrain unnecessarily the publication of matter of this kind, it is obvious that much embarrassment may be caused by the injudicious publication of information obtained from official sources or of opinions held by individual officers with regard to matters connected with their work. Every officer before publishing a handbook or other work compiled or prepared from sources to which he has had access in his official capacity must obtain from the Government Secretary leave to make use of official records, and must assent to the terms on which the work when published should be supplied for the use of the Service.

III. DISCRETION AND CONDUCT.

All Civil Servants and Government Officials are bound in the interests of the State, whose servants they are, to act discreetly in all matters in which their conduct may become the subject of public criticism. They must not, for instance, take any prominent part in polemical discussions with regard to party politics, or attack the Judiciary or the Executive in meetings or in the Press.

It is highly improper for them to attempt to procure the intervention on their behalf of Members of the Legislature in the matter of promotion, or otherwise, with reference to their position in the Service.

IV. UNOFFICIAL OCCUPATIONS.

The general principle governing questions of this nature is that a Civil Servant or Government Official must not accept any local office or other employment in respect of which he is liable to be called away during office hours. There are special objections to the acceptance of an office of profit; when the office is not one of profit the question is one of incompatibility of functions.

Any Civil Servant or Government Official must, on seeking a seat in the House of Keys, resign his office as soon as he issues his address to the electors, or in any other manner publicly announces himself a candidate. Civil Servants and Government Officials may become candidates for or serve on Local Authorities, only if the Lieutenant-Governor is satisfied that the duties involved in such candidature or service will not interfere with their official duties.

V. INTEREST IN CONTRACTS WITH GOVERNMENT DEPARTMENTS.

Unless the Civil Servant or Government Official concerned shall have first disclosed fully to the Government Secretary the measure of his interest in any contract with the Government, and the permission of the Government Secretary shall have been given for the contract, purchase or sale to proceed notwithstanding the interest held by a Government Official :—

(a) no Government contract shall be let to an officer or to any partnership of which he is a member (apart from a corporation of more than ten persons in which he is a shareholder) ;

(b) no Government contract shall be let to any company of which an officer is a director (except as a nominee of the Government) ;

(c) no officer shall be permitted to accept a directorship (except as a nominee of the Government) in any company holding a contract with the Government.

No purchase for the Government shall be made from, and no sale for the Government made to any officer without the express sanction of the Government-Secretary.

In no circumstances should any officer negotiate or arbitrate in any matter affecting a Government contract, purchase or sale, where, in his private capacity he is interested either as principal or as a shareholder in a company being one of the principals to the matter under consideration.

It is the duty of all persons employed by the Government, if they have occasion officially to come into contact with any matter concerning a business organization in which they have an interest (apart from holding shares in corporations of more than 10 persons), to disclose that interest to the Government-Secretary and to ask that some other officer may deal with the case.

VI. BANKRUPTCY.

1. It is to be understood that serious pecuniary embarrassment from whatever cause, must be regarded as a circumstance which necessarily has the effect of impairing the efficiency of a public servant, and of rendering him less valuable than he would otherwise be.

2. Such embarrassment, if occasioned by imprudence or other reprehensible cause, will be held to be an offence, as affecting the respectability of the Service and the trustworthiness of the individual ; any person who has thus conducted himself, will be considered to have forfeited that honourable position in the Service which is necessary to give him a claim to promotion or increase of salary from length of service ; and these benefits will not be permitted to accrue to him again until he shall have relieved himself from the discredit of such a position. Aggravated cases of this description will be noticed whenever they become known, and such measures will be taken either in the manner above adverted to, or in a manner more summary and severe, as the circumstances may appear to deserve.

3. The mere fact, under whatever plea, of becoming a party to accommodation bills, whether for his own purposes, or for another person, and whether resulting in pecuniary embarrassments or not, will subject a Civil Servant or Government Official to the consequences described in the preceding paragraph.

4. In the event of any Civil Servant or Government Official being arrested, or being adjudicated a bankrupt, or entering into a composition with his creditors under the Bankruptcy Act, he will, on the fact being known, be suspended from duty and salary, and will not be reinstated unless, after examination of the facts and of the schedule prepared by the Court, it shall appear that his difficulties have been occasioned by unavoidable misfortune, and not by extravagance or culpable improvidence, or unless the case shall be characterized by previous circumstances of extenuation.

5. Any Civil Servant or Government Official who shall not, immediately on his being arrested, or proceedings being taken with a view to bankruptcy, inform the Government Secretary of the fact, shall, upon it becoming known, be removed from the Service without any expectation of being reinstated.

By Order,

Government Office,
Isle of Man,
13th July, 1921.

B. E. SARGEAUNT,
Government Secretary.