



Home Office

**Information Access Team
Shared Services Directorate**

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Date: 2 September 2011

Reference: 19587

Dear Mr McGartland,

I am writing further to my e-mail of 9 August 2011, about your request for information about confidentiality agreements. Your request has been handled as a request for information under the Freedom of Information Act 2000. We are now in a position to provide a full reply to your request.

I am able to disclose the information set out in the enclosed **Annex**.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference 19587. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Access Team
Home Office
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2 Marsham Street
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e-mail: info.access@homeoffice.gsi.gov.uk

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

Rachel Anderson
Information Access Team

Freedom of Information request from Martin McGartland (reference 19587)

Information requested

1. Copies of all confidentiality clauses, agreements or policies that staff are required to abide by. Please include any non-standard clauses which apply to particular groups of staff, or individuals. I am expecting the release of any relevant standard clauses contained within employment contracts as well as relevant policies such as your whistle-blowing policy, and any rules guiding staff participation in online discussion, blogging and social networking sites.
2. The number of time Home Office staff members have faced disciplinary actions or proceedings a result of breaching these confidentiality agreements, policies and clauses.
3. A listing of these disciplinary actions broken down by the date and type of disciplinary action taken (e.g. verbal warning, demotion, loss of benefit etc).
4. The number of Home Office staff that have been dismissed as a result of breaching or infringing confidentiality agreements.
5. Of those i) disciplined and ii) dismissed – how many had a defence of whistle blowing?

Response

Since May 2007 the Home Office has comprised of four constituent parts – Home Office Headquarters (HO HQ), the United Kingdom Border Agency (UKBA), the Identity and Passport Service (IPS) and the Criminal Records Bureau (CRB). Our response comprises the information held by these four parts.

Question 1:

Please see attached documents. These include copies of the confidentiality clauses that are part of Home Office staff contracts. The IPS 'non-disclosure' agreement is also attached. Also included are the whistleblowing policies for the Home Office and its executive agencies. Please note that the CRB whistleblowing policy will shortly be revised. I also attached the social networking guidance for the Home Office.

Questions 2 – 5:

The below table provides figures for the type of disciplinary action taken against Home Office staff who breached confidentiality agreements or policies

and includes whether a defence of 'whistleblowing' was used during the disciplinary proceedings.

Financial Year	Written Warning	Dismissal	'Whistleblowing' defence used
2008/09	Less than 5	0	0
2009/10	Less than 5	Less than 5	Less than 5
2010/11	9	Less than 5	0

Please note that, where appropriate, third party details have been redacted from some of the attached documents provided in response to your request. In addition, it has not always been possible to provide you with the exact number of staff within certain categories of information that you have requested. This is because the general policy of the Home Office is not to disclose, to a third party, personal information about another person; this includes information that may in combination with other data already reasonably accessible serve to identify specific individuals. This is because we have obligations under the Data Protection Act and in law generally to protect this information.

Your request for personal information has been considered in line with our obligations under the Freedom of Information (FoI) Act. However, we have concluded that certain of this information is exempt from disclosure under section 40(2) of the FoI Act. This exempts personal data if disclosure would breach any of the data protection principles of the Data Protection Act – in this instance the duty to ensure that personal data is fairly and lawfully processed would be breached were this information to be disclosed as no condition of schedule 2 of the Data Protection Act is met.