



[Home](#) > [HR and learning](#) > [HR policy and guidance](#) > [A-Z of HR policies](#) > [Use and misuse of official information policy](#)

## Use and misuse of official information policy

- Status: Current policy
- Applies to: Home Office
- Issued: July 2008
- Updated: March 2013

### In brief

You must not misuse information that you have acquired in the course of your official duties or disclose any official information, without authority, that has been communicated in confidence within government or received in confidence from others.

### Principles

- 1) You must not seek to frustrate the policies, decisions or actions of government, either by declining or abstaining from action which flows from ministerial decisions or by unauthorised, improper or premature disclosure outside the government of any information to which you may have access as a civil servant. If, however, during the course of your duties, you feel that what is being asked of you does raise a matter of conscience, you should refer to the policy on whistleblowing.
- 2) You must ensure that you are mindful of your duty of confidentiality even after you have left Crown employment.
- 3) Before you disclose any information, you must make sure you are allowed to disclose it; if in any doubt, you should consult your line manager.
- 4) You must not frustrate the policies of ministers by the use or disclosure of any information that you have had access to as a civil servant.
- 5) You must not make public statements or remarks in terms that the department would find objectionable about individuals – whether they be officials, ministers or private persons – or about public or private organisations.
- 6) If you wish to take part in any outside activity that involves your disclosing official information or using your official experience, you must obtain prior permission.

## Related links

### HR and learning

- > [Annex A – Guide to the Official Secrets Act](#)
- > [Security](#)
- > [Whistleblowing policy](#)

### Adelphi services

- > [Shared service centre support](#)

### External links

- > [Civil service code](#)
- > [Civil service management code](#)
- > [Crown copyright](#)
- > [Ministry of Justice - Freedom of information](#)

### **What it means in practice**

7) Whether you are acting in an official or a private capacity, you must observe the relevant principles applying to the use of official information or experience, especially in relation to the publication of books and articles, contact with the press, broadcasts, speeches or lectures, and participation in outside conferences.

8) The government's policy on official information is that it should be made available to the public, unless it is clearly not in the public interest to do so. You, as a civil servant, must be alert to the sensitivity of official information, particularly information that has a security marking. This policy sets out the law, rules and codes that apply to all civil servants in respect of official information.

9) As a civil servant you are bound by the provisions of criminal law, which protect certain categories of official information. Further information on the Official Secrets Act can be found in Annex A – Guide to the Official Secrets Act. You are also bound by the provisions of the civil service code, including the duty of confidentiality you owe to the Crown.

10) Any breach of these responsibilities is a disciplinary offence that could result in your dismissal, as well as causing embarrassment to ministers and reflecting adversely on the department as a whole. The rules and duty placed on civil servants to protect official information continue to apply after you have left the civil service.

11) The unauthorised disclosure of certain specified categories of information is an offence under the Official Secrets Act 1989, particularly where the disclosure can be shown to have damaged national interest.

12) You are a servant of the Crown and owe a duty of loyal service to the Crown as your employer. Since constitutionally the Crown acts on the advice of ministers who are answerable for their departments and agencies in Parliament, that duty is subject to the provisions of the civil service code.

### **Activities involving official experiences**

13) You must obtain official permission if you wish to publish a book, thesis, article, film, video, DVD, audio material, or letter in the press that touches on the business of the Home Office or another government department.

14) The purpose of this rule is to protect you from committing an offence under the Official Secrets Act and to protect the Home Office from embarrassment that could be caused by the injudicious publication of material that has been obtained through official duties or through the publication of an employee's opinion about the Home Office or another government department.

15) Where the publication is written privately and results from a member of staff's own research, the line manager should refer it to the Home Office shared service centre (SSC) who may consult TSO (formerly The Stationery Office Ltd) and any other government department concerned. Follow the related link, 'Shared service centre support', for SSC contact details.

16) It may be decided that the public interest would be best served if the work were published by TSO; authors may receive such payment for their private work as may be agreed with the consent of the Cabinet Office.

17) It may be agreed that an outside publisher should publish the work. In that event, TSO will usually stipulate that copies are supplied to the public service at less than the ordinary trade price. As the author, the member of staff is free to receive remuneration deriving from the sales outside the public service.

### **Personal memoirs**

18) You must not publish or broadcast personal memoirs reflecting your experience in government, while in Crown employment; and you must obtain permission from the head of the home civil service before entering into commitments to publish such memoirs after leaving the service.

### **Delivery of lectures relating to official business**

19) Standing authority is delegated to senior civil service pay band 2 and above to give talks and lectures on official subjects and business areas.

20) Standing authority can also be given to staff members authorised to give talks and lectures on subjects that have arisen in the course of their official duties.

21) Further consideration needs to be given by heads of unit if requests for speaking engagements involve fees, or:

- if the press or other media are to be present, or
- if a report of any talk or lecture is likely to be published, or
- if any question of propriety or doubt arises

22) Before giving a speech or a lecture it should be made clear to the sponsors that any printed document relating to the speech or lecture belongs to the Crown and, as such, should be accompanied by the copyright legend '© Crown Copyright [year]'.

### **Attendance at outside conferences**

23) You should not, in your official position as a civil servant, accept invitations to conferences or similar conventions from political organisations or any other organisation that is linked to sensitive or controversial subjects.

### **Broadcasts**

24) You must obtain the approval of the department before you, as a member of staff, serving or retired, broadcast on radio or television in your official capacity, or in a programme which refers to your official position, or has any bearing on the business of the Home Office or any government department. You should seek advice from the SSC.

25) Whenever any programme deals with the work of a particular member of staff, you must submit your request for approval to broadcast to the relevant head of unit, who will consult the director of the communication directorate. Whenever any programme deals with the activities of an establishment (such as an immigration control at a port), you may submit your request for approval directly to the communication directorate. Where you are approached to brief a journalist, you must, before accepting, consult the director of the communication directorate, who will offer suitable advice.

26) You do not need to obtain permission when you want to broadcast on subjects that have no bearing on official matters (for example, your hobbies), or if you appear on any game show, etc, but in such cases you should make no mention of your official position.

### **Participation in surveys and research**

27) In your official capacity, you must not take part in surveys or research projects, even where your responses are not attributed, if they deal with attitudes or opinions on political matters or matters of policy.

28) If you are an elected national, departmental or branch representative, or an officer of a recognised trade union, you need not seek permission before publicising union views on an official matter, provided that:

- the matter directly affects the conditions of service of members of the union as employees, and
- the matter is unconnected with your official duties as a civil servant

### **Leaked select committee reports**

29) If you receive a leaked select committee report, you should:

- make no use of it
- not disclose it further
- return it without delay to the clerk of the committee
- inform your minister

It is a disciplinary offence to breach these rules.

### **Freedom of Information Act 2000 (FOI)**

30) You must be prepared to make available official information that is not held in confidence within government, in accordance with government policy and the FOI Act.

### **Crown copyright**

31) You should make sure that you are familiar with the policy and processes on Crown copyright when publishing departmental information.

### **Policy annexes**

- Annex A – Guide to the Official Secrets Act

### **Further information and contact point**

Please read carefully through the guidance on this page, along with any associated documents at related links.

If you still have any questions about this policy after doing so, contact the Home Office shared service centre (SSC) – see the related link, 'Shared service centre support'.

This version of the policy incorporates staff handbook chapters 2.15 and 3 (section 3.14) and Home Office notice 44/1990.