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TO: EXECUTIVE COMMITTEE

THE EXECUTIVE COMMITTEE: PROTECTION OF INFORMATION

1. As was evident at the meeting of 15 April, the work of the Executive Committee continues to be adversely affected by the unauthorised disclosure of papers and other information in advance of the meetings at which these are to be considered. This practice denies the Executive Committee the opportunity to discuss proposals in an objective and measured way without the pressure of often misleading expectations created prematurely within the various sectors for which Ministers are responsible. While no presumption exists that any Minister has directly engaged in such activity, my purpose in writing is to remind Ministers of their obligations in this regard.
2. The need for care and discretion in the handling of information concerning the work of Executive Committee has been a longstanding and important element of the guidance governing its operation.
3. The agreed protocol for the Conduct of Executive Business states clearly that the content of Executive papers and all aspects of Executive business are regarded as confidential and that Ministers should at all times observe the need for such confidentiality in relation to the conduct of Executive business and the proceedings of its meetings, other than by means of any agreed statement which may be issued following a meeting. Ministers are also required to take the steps necessary to protect the detailed content of papers and Executive minutes which are to be, or have been, considered by the Executive.
4. These obligations were more recently augmented by the zoom protocol principles adopted in response to the particular issues arising from the conduct of virtual meetings. These included, in particular, agreements that the

Executive Committee should remain, and be respected by all Ministers as the primary forum in which they should air and discuss issues, differences of opinion and any concerns about aspects of its business or operation.

5. I would also wish to draw Ministers' attention to the Functioning of Government (Miscellaneous Provisions) Act (Northern Ireland) 2021 which has created the offence of the communication, save in the circumstances specified, by a Minister or special adviser of official information to another for the improper (financial or other) benefit of any person. A Minister or special adviser found guilty of this offence is liable on conviction, on indictment, to imprisonment for a term not exceeding 2 years and on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.
6. I hope that Ministers will find this information helpful in confirming their understanding of the requirements relating to Executive Committee papers and correspondence.

Personal Data

Jenny Pyper

Interim Head of the Civil Service and Secretary to the Executive Committee