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CONSTITUTION OF ST HELENA, ASCENSION AND TRISTAN DA CUNHA AUTHORITY OF HER EXCELLENCY THE GOVERNOR IN RESPECT OF THE OPERATION OF THE OATH OF CONFIDENTIALITY

I, Lisa Phillips, Governor of St Helena hereby issue this authority to the Members of the Legislative Council in relation to the operation of the oath of confidentiality:

1. Whereas section 54 of the Constitution for St Helena, Ascension and Tristan da Cunha states that:

No Member of the Legislative Council shall enter upon the functions of his or her office unless he or she has made before the Governor, or some other person authorised for that purpose by the Governor, acting in his or her discretion, oaths or affirmations of allegiance, of confidentiality and for the due execution of his or her office in the forms set out in the Schedule.”

2. And whereas the Oath of Confidentiality as set out in the aforementioned Schedule provides that it must be made in the following terms:

“I do swear that I will be a true and faithful Councillor and that I will not, directly or indirectly, except with the authority of the Governor, reveal the business or proceedings of the Government of St Helena or the nature or contents of any document communicated to me, or any matter coming to my knowledge, in my capacity as a Councillor. So help me God.”

I, therefore give my authority for Councillors to reveal the business or proceedings of the Government of St Helena and the nature and contents of any document communicated to Councillors within the following boundaries:

No express authority is required for the following:

1. Ongoing work done by the Councillors (eg. contact with the Administration over issues raised by the public; progress/timing in considering new policies)
2. Rationale behind decisions taken (eg. budget allocations)
3. Use of analysis carried out by the Administration which underpins a discussion taking place with the public (eg. data from elsewhere about wearing of seatbelts)
4. Information already in the public domain (eg. press releases, radio appearances, speeches, responses to the Code of Practice on the release of information etc.)
5. Matters discussed in the open sessions of Executive Council or Council Committees

Express authority is required for the following:

- a. Ongoing discussions / negotiations with HMG (which are not concluded);
- b. Information that is owned by a third party and whose permission to disclose has not been obtained;
- c. Information that is deemed confidential or sensitive (eg. information about an individual);
- d. Information that is commercial in confidence (eg. information about a business proposal or the contents of a contract etc.)
- e. Executive Council 'green papers' (but please note that Councillors can draw on information contained therein as appropriate).

If in doubt, Members can obtain advice from the Attorney General's Chambers.

Lisa Phillips
Governor
30 August 2017