

CHAPTER 8

Correspondence and Public Business

801. Public officers and employees are expressly forbidden to give any unauthorised persons information relating to the business of the public service. The publication of official documents or information is governed by the provisions of Orders 312 and 313.

Disclosure of official information

802. Confidential and secret correspondence and documents must always be kept separate from open correspondence and material, and must be kept under lock and key. The substance of any confidential or secret correspondence shall not be repeated or conveyed in any open correspondence.

Confidential and secret correspondence

803. (1) It is the responsibility of Permanent Secretaries and Heads of Departments to ensure that no member of their staffs, other than officers authorised to do so, shall be in a position to handle or see confidential or secret documents.

Responsibility of Permanent Secretaries and Heads of Departments for the security of classified documents

(2) Permanent Secretaries may with the approval of the Governor designate an officer in their Ministry to be entrusted with all secret and confidential work.

(3) Any correspondence marked "Secret", "Personal", "Confidential", or "In Confidence" must be opened by the addressee personally, or by an officer designated in accordance with paragraph (2) if this Order.

(4) Any correspondence marked "Personal" whether addressed to a name or an office shall be opened by the addressee or person concerned.

804. (1) All official correspondence addressed "Secret", "Confidential", or "In Confidence" must be enclosed in two envelopes, one inside the other. The inner envelope must be marked "Secret", "Confidential", or "In Confidence", as the case may be, but the outer one should not be so marked. The inner envelope should be folded in such a way that both will not be opened at once.

The handling of classified correspondence

(2) Care must be exercised that secret and confidential papers are not passed about the office, or between one office and another, except in sealed covers marked "Secret", "Confidential" or "In Confidence" and as far as is practicable the covers should be passed from one office to another in locked official despatch boxes.

805. Decisions affecting an officer personally shall be conveyed to him in writing. No officer through whose hands such correspondence passes may communicate any of the contents to any person or persons without written instructions from the Permanent Secretary, Administration.

Decision affecting an officer personally

806. (1) Copies of communications to or from the Government must not be conveyed to any persons other than Ministers or public officers, without the authority of a Permanent Secretary or Head of Department. If the contents therein are intended to be communicated, they will be embodied in a letter addressed to the person concerned.

Copies of official correspondence not to be made

(2) Save in the course of his official duties, no officer shall take a copy of any communication or report concerning any other officer and no officer shall take a copy of any communication to or from Government or of any correspondence or report dealing with Government business without the authority of a Permanent Secretary. Any officer found in unauthorised possession of any such documents will be liable to disciplinary action.

Official correspondence

807. (1) Permanent Secretaries and Heads of Departments will correspond directly with each other and with the public.

(2) Permanent Secretaries and Heads of Departments will correspond with each other by letter, memorandum or Saving Telegram as the occasion demands. The only exception to this rule will be that conferred by General Order 809 (2).

(3) All correspondence with members of the public will be by letter or telegram as may be appropriate.

Communications to be answered without delay

808. (1) All communications, whether from the public or from other Ministry and Department, must be answered with the least possible delay. Where it is not possible for a prompt reply to be sent, an interim acknowledgement must be made and reply sent as soon thereafter as possible.

(2) Communications must, as far as possible be confined to a single subject. Where it is found to be essential that more than one subject is dealt with in one communication, additional copies, according to the number of subjects, must be furnished. In every communication, other than a personal or demi-official letter, paragraphs must be numbered consecutively throughout and each page numbered. Every communication should have a title, and where there has been previous correspondence on a subject the reference number and date of the last relevant communication received must always be quoted.

Opinion by law officers

809. (1) An opinion of the Government law officer must not be paraphrased directly to a private individual. If however it is necessary in correspondence to a member of the public to refer to a legal opinion, the opinion must be preceded by the words 'The Government is advised that'...

(2) All submissions to the Attorney General for legal opinion must be by minute on the relevant Ministry or Department file or files and should state clearly the points on which an opinion is sought.

Determination of policy

810. (1) Important questions of principle or of policy will be referred to the Minister concerned, and proposals which involve reference to other Ministries should be fully discussed between the Permanent Secretaries and Heads of Department concerned before they are referred to the Minister. The fact that this has been done should be stated in the submission.

(2) Any proposals which involves either Government Expenditure or Government Revenue must be cleared with the Ministry of Finance before being referred to the Minister concerned.

Personnel and establishment

811. Personnel questions (other than those which are for the determination by the appropriate Service Commission), and establishment matters that may be resolved within the terms of these Orders as amended from time to time, will be dealt with by Permanent Secretaries and Heads of Departments. Personnel and Establishment matters which -

- (a) have a service wide implication;
- (b) do not fall within the provisions of these Orders;
- (c) suggest a departure from existing policy;
- (d) suggest the establishment of a novel principle or a new provision;
- (e) define an issue which may have repercussions throughout the service,

shall be referred to the Permanent Secretary, Administration.

- 812.** The preservation and the destruction of Government documents is regulated by the following - The preservation and destruction of official documents
- (i) no correspondence or document shall be considered for destruction before it is five years old. Subject to the provisions of this Order, Heads of Departments may however authorise the destruction of a file after two years;
 - (ii) any file over five years old, that is put away, shall bear a direction by a senior officer in the Ministry of Department responsible for the subject, that it shall be -
 - (a) preserved because of its continuing value to the Government; or
 - (b) destroyed at once; or
 - (c) destroyed on a stated date if there is no further action.
 - (iii) if a file is retained in accordance with sub-paragraph (ii) (a) of this Order, it shall be kept for fifteen years from the date of its creation and shall then be considered by the Government Archivist for destruction or for further retention;
 - (iv) a record shall be kept of all documents and files destroyed and the date on which they were destroyed;
 - (v) the following documents shall not be destroyed; -
 - (a) those required by law or regulations to be preserved;
 - (b) documents of historical or other interest particularly those relating to the history of Montserrat or of the West Indies;
 - (c) documents relating to land and the ownership thereof, and to the value of land and property, especially Crown Lands;
 - (d) documents that are more than fifty years old unless they are of a routine nature;
 - (vi) documents that, as a rule, must be kept, are those referring to policy decisions, precedents, legal opinion, and the preparation of legislation; to evidence of rights and obligations of Government, and claims for compensation not subject to limitation in time; to reports on field trials and experiments; to reports by departmental committees and working parties; to organisation and staffing and the personal files of public officers.

813. Official stationery must, on no account, be used for private correspondence or for any purpose not directly connected with the work of a Ministry or Department. Permanent Secretaries and Heads of Departments are required to ensure that the strictest economy in the use of stationery is exercised in their offices. All Orders for stationery must be scrutinised, before they are issued, by a responsible officer deputed for this purpose. Use of official stationery

814. Official correspondence (including letters, printed letters and miscellaneous packets) is transmitted free by the inland post, provided that it bears on the envelope or cover, the words "On Her Majesty's Service" or the letters "O.H.M.S." and, in the lower left-hand corner, the signature and official designation of an officer duly authorised to frank official postal packages. Franking of official correspondence

815. Impressions of official seals shall not be given to any private person Official seal

Official telegrams

816. Telegrams may be approved for despatch only by Permanent Secretaries, Heads of Departments, or officers authorised by them. In the interests of economy, the use of telegrams should be avoided whenever possible unless the communication is urgent or a telegraphic reply has been specifically requested.