

The disclosure of the non-disclosure of non-disclosure agreements!



Is it best to keep mum?

We recently submitted a Freedom of Information request to the Attorney General's Chambers in relation to **Non-Disclosure Agreements** entered into by IOM Government Departments.

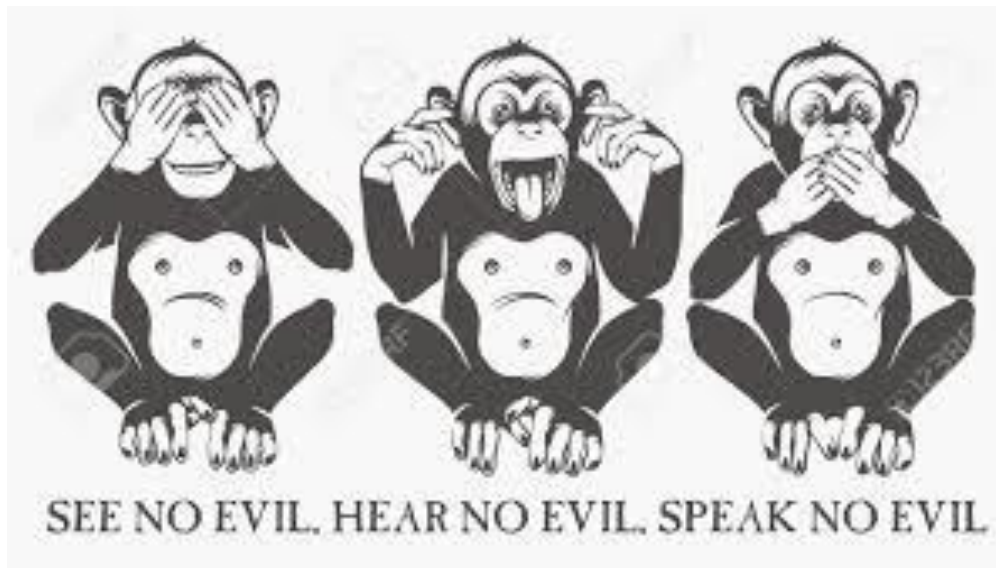
The AG's Chambers provides legal advice to IOM Government Departments and is typically involved in drafting and overseeing such confidentiality agreements on their behalf.

Amongst other things, we sensibly wanted to know *how many* of such secret financial agreements have been entered into by Government Departments (without revealing personal data specific to any individual) for each of the last 5 years.

Clearly, such questions contain important public interest considerations including accountability, transparency and the appropriate use of taxpayers' money.

However, the AG's in its reply dated 7th August 2023, regrettably has refused to provide substantive answers to even the most elementary of our questions.

In other words, we can now disclose the non-disclosure of non-disclosure agreements!



We regard the AG's Chambers concise response that it, "*Does not hold or cannot, after taking reasonable steps to do so, find the information you have requested*", as disproportionate and unjustified and we have accordingly requested a review. An appeal to the Information Commissioner will also properly be made if necessary.

Many local citizens have commented on this political administration's track record of attempting to close down scrutiny, for example the legal appeals in the Dr R. Ranson employment tribunal case and the recent joint resignations of the Information Commissioner and the Deputy Information Commissioner.

This concerning lack of transparency is further illustrated in the response to a number of our own FOI requests such as:-

- i) Request to Department of Enterprise regarding information on the Covid financial support given to the then Chief Minister Howard Quayle regarding his holiday home businesses – initially **REFUSED** (subsequently ordered by the Information Commissioner to disclose the information- £57K).
- ii) Request to DHSC regarding the commercial supply contracts for Covid-19 PPE – **REFUSED**.
- iii) Request to Cabinet Office regarding the number of government employees working from home – **REFUSED**.
- iv) Request to Manx Care regarding the number of deaths recorded as being from Covid, whether with Covid alone or with other underlying health conditions – **REFUSED**.
- v) Request to General Registry regarding Covid death certificates and the number of such certificates where Covid-19 was stated as being the main cause of death or where mentioned as merely a contributory condition – **REFUSED**.

Ministers talk about openness and honesty but sadly, the reality is that mere lip service is often paid to these vital concepts. Election slogans such as "*Transparency really matters*" are in many cases laughably hollow.

A colleague of mine has even suggested that if a school or a police force was failing as badly as the present political administration it would be put under *special measures*. In other words, where leadership lacks the capacity to meet minimum standards of performance, externally appointed managers temporarily intervene and take over the running of the organisation.



"Not every politician is a clown and not every clown is a politician but our troupe can juggle, unicycle, balloon twist, stilt walk and throw custard pies, so running a little country will be easy-peasey".

See hyperlink below for the Attorney General's Chambers FOI response dated 7th August 2023.

<https://www.ik.im/wp-content/uploads/2023/08/07.08.23-Non-disclosure-of-non-disclosure-agreements.pdf>