



# **MINISTRY OF THE ATTORNEY GENERAL**

## **Civil Law Department**

### **Legal Professional Privilege Policy**

1. Civil Law Department Law Officers shall at all times act with professional detachment, objective impartiality and an absence of fear or favour when engaged in the provision of legal advisory and representation services and shall scrupulously guard and never disclose the secrets and confidences of the Department's clients.
2. The Department's clients for purposes of this policy shall include all Government Ministries and the employees thereof including but not limited to Officers of the Civil, Police, Prison, Fire and Health services in circumstances where such entities and/or individuals depend on the Department's Law Officers for legal advice, legal representation and or assistance in legal matters involving the State.
3. This Policy shall apply to prohibit such disclosure whether on a voluntary basis or under compulsion in all circumstances including pre-trial, at Court, for investigative or disciplinary purposes.
4. In instances where State employees fail to attend to give instructions to Law Officers within the Department, this fact will be made known to the Court and the relevant Superior/Head of Department. Law Officers may disclose information on their failure to do so and on the consequential financial implications for the State, whether by settlement of damages or Court Order, for disciplinary action.
5. The Judgments and orders of the Court are neither secret nor confidential and Law Officers may report to the Hon Attorney General on any finding, ruling or Judges comment against State employees resulting in financial consequences. No report on the conduct of the Department's State employee clients will however be made where based on the timely provision of instructions by such State employees to Law Officers the matter is resolved at the pre-action protocol stage.
6. Disclosure of privileged communications other than in keeping with this Policy may constitute misconduct and/or a breach of the Law Officer's employment contract.

**PRIVILEGE POLICY FORM A**  
**FOR CLIENT**

I, *name*, the defendant/one of the defendants in *name of matter*, hereby retain the Attorney General, the Chief State Solicitor and the Solicitor General as lawyers to represent me in the matter. I have been advised by *name of attorney* of *name of department* that the information concerning the matter I or any of my witnesses shall give to my lawyers and/or their officers shall be subject to legal professional privilege and shall not be disclosed to anyone other than my lawyers and/or their officers unless I expressly authorize the disclosure of such information in writing.

Date

Name and signature of defendant

I, *name of attorney*, confirm that I have received the above retainer on behalf of the above named lawyers and that I have advised the *name of defendant* on legal professional privilege as set out above.

Date

Name and signature of attorney



# **MINISTRY OF THE ATTORNEY GENERAL**

## **Civil Law Department**

### **Legal Professional Privilege Policy**

1. Civil Law Department Law Officers shall at all times act with professional detachment, objective impartiality and an absence of fear or favour when engaged in the provision of legal advisory and representation services and shall scrupulously guard and never disclose the secrets and confidences of the Department's clients.
2. The Department's clients for purposes of this policy shall include all Government Ministries and the employees thereof including but not limited to Officers of the Civil, Police, Prison, Fire and Health services in circumstances where such entities and/or individuals depend on the Department's Law Officers for legal advice, legal representation and or assistance in legal matters involving the State.
3. This Policy shall apply to prohibit such disclosure whether on a voluntary basis or under compulsion in all circumstances including pre-trial, at Court, for investigative or disciplinary purposes.
4. In instances where State employees fail to attend to give instructions to Law Officers within the Department, this fact will be made known to the Court and the relevant Superior/Head of Department. Law Officers may disclose information on their failure to do so and on the consequential financial implications for the State, whether by settlement of damages or Court Order, for disciplinary action.
5. The Judgments and orders of the Court are neither secret nor confidential and Law Officers may report to the Hon Attorney General on any finding, ruling or Judges comment against State employees resulting in financial consequences. No report on the conduct of the Department's State employee clients will however be made where based on the timely provision of instructions by such State employees to Law Officers the matter is resolved at the pre-action protocol stage.
6. Disclosure of privileged communications other than in keeping with this Policy may constitute misconduct and/or a breach of the Law Officer's employment contract.

**PRIVILEGE POLICY FORM B**  
**FOR WITNESS**

I, *name*, a person in respect of whom allegations have been made in *name of matter*, hereby retain the Attorney General, the Chief State Solicitor and the Solicitor General as lawyers to represent me in any action that may be brought against arising from those allegations. I have been advised by *name of attorney* of *name of department* that the information concerning those allegations I or any of my witnesses shall give to my lawyers and/or their officers shall be subject to legal professional privilege and shall not be disclosed to anyone other than my lawyers and/or their officers unless I expressly authorize the disclosure of such information in writing.

Date

Name and signature of defendant

I, *name of attorney*, confirm that I have received the above retainer on behalf of the above named lawyers and that I have advised the *name of defendant* on legal professional privilege as set out above.

Date

Name and signature of attorney