



Department of
Health

An Roinn Sláinte

Máinnystrie O Poustie

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<p>Subject:</p> <p>Use and Approval of Confidentially clauses/agreements</p>	<p>Circular Ref: HSC(F) 05-2026</p> <p>CM Ref: HE1/26/128807</p> <p>Date Issued: 1st April 2026</p>
<p>For Information and Action to:</p> <p>Chief Executives, Directors of Finance, of all HSC Bodies and NIFRS</p> <p>Summary of Contents:</p> <p>DAO (DoF) 02/26 Use and Approval of Confidentially clauses/agreements</p> <p>Enquiries:</p> <p>Any enquiries about the contents of this circular should be addressed in the first instance to:</p> <p>Finance Policy and Accountability Unit Room D3 Castle Buildings Stormont Estate BELFAST BT4 3SQ Tel: 028 90765649</p> <p>FPAU@HEALTH-NI.GOV.UK</p>	<p>Superseded documents: N/A</p> <p>Related Documents: N/A</p> <p>Expiry Date: N/A</p> <p>Status of Contents:</p> <p>For Information and Action</p>

Purpose

1. This is to inform you that the following document has been added to the Dear Accounting Officer letters category on the AFMD website:

DAO (DoF) 02/26 – Use and Approval of Confidentially clauses/agreements

This can be accessed via the following link:

[DAO \(DoF\) 02/26 - Use and Approval of Confidentiality Clauses/Agreements](#)

A copy is attached for your information.

2. The purpose of DAO (DoF) 02/26 is to provide an update in relation to the use and approval of confidentiality agreements/clauses.
3. It should be noted that these principles not only apply to confidentiality agreements/clauses in dispute settlements but **the use of any type of confidentiality agreements/clauses.**

Action Required

4. Please ensure that this circular is drawn to the attention of appropriate staff and that any relevant action points are noted.
5. Should you have any queries, please contact DoH Financial Policy and Accountability Unit at fpau@health-ni.gov.uk.

K Needham

Kathy Needham
Financial Policy, Accountability and Counter Fraud Unit

Stuart Stevenson
Treasury Officer of Accounts

Public Spending Group
2nd Floor
Clare House
303 Airport Road
BELFAST BT3 9ED
Tel No: 028 90816795 (x 76795)
email: stuart.stevenson@finance-ni.gov.uk or
afmdreturns@finance-ni.gov.uk



Department of
Finance
An Roinn
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DAO (DoF) 02/26

19 March 2026

Dear Accounting Officer

USE AND APPROVAL OF CONFIDENTIALITY CLAUSES/AGREEMENTS

Purpose

1. The purpose of this DAO letter is to provide an update in relation to the use and approval of confidentiality agreements/clauses.

Background

2. My predecessor previously wrote on 7 January 2016 (FD (DFP) 02/16) and 18 October 2016 (DAO (DoF) 08/16) reminding departments of the general principals regarding confidentiality agreements/clauses if their use was being considered by departments their agencies and Arm's Length Bodies.

General Principles

3. Since the issue of DAO (DoF) 08/16 it has come to our attention that there have been some instances where the use of confidentiality agreements/clauses have not followed the existing general principals or if required been referred to DoF for approval.
4. There seems to have been a small element of ambiguity arising from the previous DAO (DoF) 08/16 in relation to the use and approval of confidentiality agreements/clauses in dispute settlements etc.

5. However, to remove any further ambiguity these principals not only apply to confidentiality agreements/clauses in dispute settlements but **the use of any type of confidentiality agreements/clauses**¹.
6. In general, the principles set out in DAO (DoF) 08/16 still apply but they have consequently been amended slightly and re-set out below. Departments are expected to fully consider these principals when utilising any such clauses/agreements.
7. These principals are:
 - i. confidentiality agreements should not be used as a means to keep embarrassing transactions secret and should not be used to inappropriately prevent transparency and openness;
 - ii. in all cases where confidentiality clauses/agreements are being used it should be considered whether their use is required and can be justified. The rationale for their use should be documented/stated;
 - iii. where their use is being considered departments should obtain legal advice on the appropriateness and need for the use of confidentiality clauses/agreement;
 - iv. where such clauses/agreements are being used whether in a department, their agencies or Arm's Length Bodies, the principal departmental Accounting Officer should always approve their use;
 - v. where their use could be considered to be novel or potentially contentious DoF Supply approval should be sought;
 - vi. confidentiality clauses should not be used as a means to deter or prevent employees raising concerns (i.e. whistleblowing) with a regulatory or other statutory body about wrong doing or poor practice; and

¹ This also includes their use when considered as part of any compromise/settlement agreements.

- vii. in all cases confidentiality clauses/agreement should be worded in such a way as to ensure that the relevant organisation is able to fulfil any legal responsibilities and reporting requirements e.g. in order that it can fulfil its duties for accounting and audit purposes and to fulfil any duties owed to the NI Assembly and its Committees.

Action

8. This DAO letter should be brought to the attention of relevant staff in your department, agencies and Arm's Length Bodies.

Withdrawal

9. DAO (DoF) 08/16 is now withdrawn.

Enquiries

10. If you have any queries do not hesitate to contact David Killops (Head of Public Audit and Accountability Branch) at David.Killops@finance-ni.gov.uk.
11. In the case of Supply queries, these should be directed to your relevant Supply Officer.

Yours sincerely



STUART STEVENSON

**cc: Finance Directors
Joanne McBurney, DoF
Patrick Neeson, DoF
Ian Fleming, DoF
Supply G7s & DPs
David Killops, DoF
Julie Sewell, DoF
Fiona Elliott, DoF**