



በኢ.ፌ.ዲ.ሪ ጠቅላይ አቃቤ ሕግ
የሕግና ፍትህ ጉዳዮች አማካሪ ጉባኤ

Legal and Justice Affairs Advisory Council
Federal Attorney General



Non-Disclosure Policy (Draft)





Contents

1. Purpose and Objectives
2. Definitions
3. Scope
4. Terms
5. Remedies
6. Entry into force and application of this policy

1. Purpose and Objectives

Whereas the LJAAC actively seeks to disseminate information about its work and supports the principles transparency and access to information, this manual is intended to allow the LJAAC to establish a professional code of conduct regarding the disclosure of information by its staff and volunteers. Since the LJAAC's advisory services to the government have the nature of legal advice, and given the lack of law that regulate this matter, the LJAAC set out this policy to ensure that its work is performed in a way that meets the ethical standards applicable to the services of legal advocates. Strict adherence to this policy will help the LJAAC to maintain professionalism and credibility in the justice system of the country.

2. Definitions

In this policy, unless the context implies otherwise:-

1. "**LJAAC**" means Legal and Justice Affairs Advisory Council established by the Attorney General's Office in accordance with Directive No. 24/2010;
2. "**Disclosing party**" means the individual who is responsible for communicating confidential document or information to the receiving party and unless the context suggests otherwise shall include the Advisory Council, the Secretariat, Working Groups and the AGO;
3. "**Receiving party**" means all employees, volunteers or interns currently employed by or seconded to LJAAC, who may become aware of undisclosed documents or information;
4. "**The legal and justice sector reform documents or information**" means any document or information (material fact or material change) relating to newly drafting legislations, the LJAAC plans, research documents accomplished by the LJAAC, working groups and legal experts, research proposals, mints of the LJAAC ,oral



statements made in AC and WG meetings , telephone and e-mail conversations as well as materials provided by the secretariat in the interlocutory activities;

5. **“Confidential documents or information”** is any material, knowledge, information and data (verbal, electronic, written or any other form) concerning or emanating from the work of LJAAC and shall include material, knowledge, information and data designated confidential by law or in accordance with this policy. In cases of doubt, the confidentiality of material, knowledge, information and data shall be interpreted in a manner that is analogous to rules applicable to client-attorney confidentiality under Ethiopian law;
6. **“Federal Attorney General”** means a federal prosecution organ established under Proclamation No. 943/2016.

3. Scope

1. The policy applies to all receiving parties including employees, volunteers and interns working at LJAAC and those authorized to access confidential documents or information on behalf of the AC.
2. The policy covers non-disclosure of confidential documents which are proprietary to receiving party and not generally known to the public and it also extends to oral statements made in AC and WG meetings, email and telephone conversations as well as information provided by the in the interlocutory activities.

4. Rules

4.1. Principle

1. From time to time the disclosing party may disclose confidential documents or information to the receiving party concerning the legal and justice sector reform or other related issues immediately upon it becoming apparent and necessary except in restricted situations where disclosing such materials would substantially detrimental to the interest of the general public and government.
2. The receiving party shall keep all confidential documents or information strictly confidential by using a reasonable degree of care and integrity. And take all necessary and appropriate steps to keep confidential.



3. The receiving party shall use the confidential documents or information solely in connection with the contemporary or contemplated function and duty of LJAAC and not for any purpose other than as authorized by the secretariat of LJAAC.
4. The receiving party shall immediately return and redeliver to disclosing party all tangible materials embodying any confidential documents or information upon the completion or termination of employment contract.
5. The fact that a receiving party is unaware of the confidential nature of confidential documents or information shall not exempt a receiving party from the requirement of confidentiality.

4.2 Exceptions

1. Exclusion to confidential documents or information

The obligation of confidentiality with respect to confidentiality information will not apply to any information which:

- a. is or becomes publicly known and available other than a result of prior unauthorized disclosure by the receiving party;
- b. is or was received by the receiving party from a third-party source which, to the best knowledge of receiving party, is or was not under a confidential obligation to the legal and justice sector reform in Ethiopia; or
- c. was approved for release by disclosure through written authorization.

2. Compelled disclosure of confidential documents or information:

Notwithstanding the principles provided above, the receiving party may disclose confidential documents and information pursuant to any governmental, judicial or administrative order which s/he legally obliged to disclose provided that s/he promptly notifies the extent to the disclosing party.

5. Designation

1. Disclosing party may specifically designate any document or information either as “Confidential”, “Internal” or “Public”.
2. Whether so designated or not any document or information that is of a unique and valuable character, and that the unauthorized dissemination of the confidential documents or information would destroy or diminish the value of such information, create misperceptions about the information or the work or the LJAAC or otherwise adversely affect the credibility and public confidence of the LJAAC’s work shall be considered confidential.



3. Any other document shall be considered an internal information or document which is not confidential, but which shall not be actively disclosed due to the nature of the information or document. All information or documents shall be presumed to be and treated as if they are internal documents unless their designation or the context suggest otherwise.
4. Any document or information that is designated or authorized for publication shall be public.

6. Remedies

1. Where the disclosing party determines that this policy has been violated and it is able to identify the individual that breached this policy, the disclosing party may take disciplinary measures up to and including termination of employment or other contract. The Federal Attorney General is also entitled to pursue its legal remedies through formal court litigation.
2. Only repeated or aggravated unauthorized disclosure of internal information or documents justify

7. Entry into Force and Application of this Policy

This policy shall enter into force on the date it is issued or the date the receiving party enters into an agreement to work, volunteer or intern to the LJAAC. It applies to the documents or information created or coming into the LJAAC secretariat before and after its entry into force. The policy will be applicable to a receiving party over a period of five years from coming into force, subject to other relevant extension of the period.