

**WRITTEN QUESTION TO THE MINISTER FOR TREASURY AND RESOURCES  
BY DEPUTY R.G. LE HERISSIER OF ST. SAVIOUR  
ANSWER TO BE TABLED ON TUESDAY 5th JULY 2011**

**Question**

Further to his answer given on 20th June 2011 would the Minister inform members what restrictions, if any, are in place to prevent a former employee of a States owned body using, to his or her business advantage, commercially sensitive information gained in that position?

**Answer**

In my previous answer to this question I stated that I expected States owned companies to be competitive and to protect their competitive advantage wherever they can.

I am confident that the Boards do all that they reasonably can to protect the use of commercially sensitive information. Employers are entitled to protection against any employee taking unfair advantage of information obtained during their employment. Whilst restrictive covenants can be used in employment contracts, a covenant intended merely to protect an employer against bona fide competition from a former employee would not be upheld.

As I have stated previously, the precise terms and conditions of individual employment and commercial contracts are confidential and a matter for the Company Boards, their employees and other contractual parties.