

# Public interest disclosure procedure

This is a mandated procedure under the operational policy framework. Any edits to this page must follow the process outlined on the [creating, updating and deleting operational policies](#) page.

## Overview

This procedure outlines the obligations and processes for dealing with disclosures of public interest information) to certain persons or authorities (a public interest disclosure).

It provides protections for public officers who make an appropriate disclosure of public administration

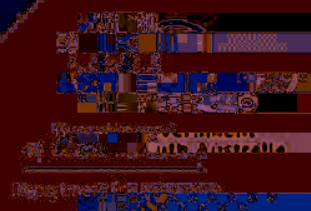
## Scope

This procedure is mandatory for all staff.

In accordance with the requirements of the [PID Act \(51\)](#) procedure sets out the process:

- for any person who wants to [make an appropriate disclosure of public interest information](#)
- for any employee of the department in [receiving and dealing with any such appropriate disclosure](#)

[PID Guidelines](#) also provide general information about the PID Act. This procedure has been prepared to comply, and be consistent, with the [Office for Public Integrity \(OPI\)](#) and [Ombudsman SA/OSA](#) Directions and Guidelines.



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# Detail

## Obligations on public sector agencies

In accordance with section 12 (5) of the [PID Act](#) and [PID Guideline](#), there is a requirement for public sector agencies to establish procedures for making and receiving appropriate disclosure of public interest information.

## Commitment from the Chief Executive



Under the PID Act, it is a criminal offence to divulge the identity of an informant except in the limited circumstances where that is permitted. This carries a maximum penalty of \$20,000 or imprisonment for 2 years.

The identity of the informant must be kept confidential unless the informant has consented to their identity being disclosed even when seeking any advice, for example from the Office for Public Integrity (OPI) or from the department responsible officers.

You can only disclose the identity of the informant in accordance with

disclosure.

Public officers can refer to the

relevant authority to receive disclosures of public administration information or environmental and health information.

Alternatively, a disclosure can be made via [the online notification](#) (which is only accessible by department responsible officers) or by sending a report through post:

relevant authority and there is no reason to examine the matter or there is other good reason why no action should be taken in respect of the matter.

The requirements set out above from section 7 do not apply where an appropriate disclosure of public interest information is made to a journalist or a member of Parliament.

## Step 4—notification of action

If you have made an appropriate disclosure of public interest information, you should receive notification (provided your identity is known) of the action being taken (or the reasons for no actions being taken) within 30 days of the making that disclosure.





- the action taken by you including:

- whether the disclosure was referred to another relevant authority, public authority, public officer or another person

- (if the disclosure was referred to another relevant authority, public authority or public officer or other person)

- the date of the referral

- the identity of that relevant authority, public authority or public officer or another person to whom the disclosure was referred

relation to the information.

Make this notification within 30 days of receiving the appropriate disclosure of public interest information. Make this notification in writing. However before emailing an informant, please ensure they have agreed to an appropriate email address to be used

If you take longer than 30 days, if the informant believes on reasonable grounds that the information is true, then they are entitled to disclose the public interest information to a journalist or a member of Parliament other than a Minister of the Crown, and the disclosure will be considered to be an appropriate disclosure of public interest information.

You or a person to whom you have referred the disclosure to, will also need to notify the informant of the outcomes of the action. This needs to be done within 90 days of receiving the appropriate disclosure of public interest information.

If you or the department responsible officer form the view that it will take longer than 90 days for an outcome, then you must notify the informant in writing of this time period. You must then ensure that the informant is notified of the outcomes taken within this alternative time period.

### If no action is required

If no action is being taken following an assessment, you must take reasonable steps to notify the informant (if the informant's identity is known):

- that an assessment of the information has been made
- that no action is being taken in relation to the information
- the reasons why no action is being taken in relation to the information.

Make this notification within 30 days of receiving the appropriate disclosure of public interest information. If you take longer than 30 days and if the informant believes on reasonable grounds that the information is true, the informant is entitled to disclose the public interest information to a journalist or a member of Parliament other than a Minister of the Crown, and the disclosure will be considered an appropriate disclosure of public interest information.

## Step 3 – notification of outcome of action taken

### If an action is taken following the assessment of disclosure of public interest information

You or a person to whom you have referred the disclosure to, will need to notify the informant of the outcomes of the action. This needs to be done within 90 days of receiving the appropriate disclosure of public interest information or any previously communicated longer time frame to the informant (as per Step 2 – notification to informants in this procedure).

In addition, you or a person to whom you have referred the disclosure to, must notify the OPI as soon as reasonably practicable via the [online notification form](#) the following:

- the unique identification number issued by the OPI upon notification of the original disclosure



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## Definitions

### environmental and health information

Information that raises a potential issue of a substantial risk to the environment or to the health and safety of the public generally or a significant section of the public (whether occurring before or after the commencement of the PID Act).

### informant

A person who makes an appropriate disclosure of public interest information is referred to in these procedures and throughout the PID Act as an informant.

### public administration information

Information that raises a potential issue of corruption, misconduct or maladministration in public administration. The definitions of corruption, misconduct and maladministration in public administration are the same as those found in the ICAC Act



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Amendment(s) Updated to reflect changes to legislative responsibilities.

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