



Factsheet

Published V2.0 – February 2022

There are important reasons why information relating to matters involving the Commission is confidential.

Confidentiality

Most information which relates to or is connected with matters involving the Independent Commission Against Corruption are confidential.

This is because the *Independent Commission Against Corruption Act 2012* (ICAC Act) imposes strict limitations on what information can be disclosed or published.

This factsheet summarises some of these limitations. For further information about confidentiality requirements you should consult section 54 of the ICAC Act.

Why does confidentiality matter?

There are important reasons why information relating to matters involving the Commission are confidential.

Premature or improper disclosure of information can jeopardise or prejudice investigations. Also, publishing information that suggests someone is the subject of a complaint or an investigation may unfairly damage their reputation. In fact investigations often clear people of any wrongdoing.

I have received information about an ICAC / OPI matter – what do I need to know?

If you have received information connected with a complaint, report, assessment, referral, investigation or evaluation under the ICAC Act, section 54(3) of the Act prevents you from disclosing that information unless:

- You have been authorised in writing to disclose it by the Commissioner or the Director of the Office for Public Integrity (OPI)
- The disclosure is for the purposes of:
 - Dealing with a matter referred by the Commission or the OPI under the ICAC Act.
 - A criminal proceeding, or a proceeding for the imposition of a penalty or disciplinary action.
 - Obtaining legal advice or legal representation or for the purposes of determining whether there is an entitlement to indemnity for legal costs.
 - Obtaining medical or psychological assistance from a medical practitioner or psychologist.
 - A person advising their employer.
 - A person advising their business partners or others with whom they have a fiduciary relationship.
 - The management of a workers compensation claim.
- The information relates to you, in which case you may disclose it to a close family member (a spouse, parent, grandparent, sibling, guardian or carer).

Publishing limits

In addition to the limits on disclosure, the ICAC Act also limits what can be published about matters reported or referred to the Commission or the OPI unless authorised in writing by the Commissioner or the Director of the OPI, or by a court hearing proceedings for an offence against the ICAC Act.

Section 54(5) of the Act prevents the publishing of:

- Information tending to suggest that a particular person is, has been, may be, or may have been, the subject of a complaint, report, assessment, investigation or referral under the ICAC Act.
- Information that might enable a person who has made a complaint or report under the ICAC Act to be identified or located.

Publish means publishing in a newspaper, radio or television or on the internet, including social media.

CONTACT US

-  GENERAL ENQUIRIES
(08) 8463 5191
-  LEVEL 1, 55 CURRIE ST
ADELAIDE SA 5000
-  @ICAC_SA

ICAC.SA.GOV.AU



ICAC

Independent Commission
Against Corruption
SOUTH AUSTRALIA