

Making an appropriate disclosure of public interest information

Step 1 – Before making a disclosure

To make an *appropriate disclosure of public interest information*¹ you need to determine whether the information you have is *public interest information* and you need determine who you should disclose the information to (i.e. who the *relevant authority* is).

What protection you receive will depend on whether you are a *public officer* or not and whether the *public interest information* is *public administration information*² or *environmental and health information*.

Step 2 – Making a disclosure

If you want to make an *appropriate disclosure of public interest information* related to SA Health or an SA Health *public officer* you have a number of options including, but not limited to:

- 1. You can contact the [OPI](#) and speak to them**
The Office for Public Integrity (OPI) is a *relevant authority* to receive disclosures of *public administration information* or *environmental and health information* regarding SA Health, SA Health *public officers* and SA Health public sector employees.
- 2. You can contact the relevant [Responsible Officer](#)**
The relevant *Responsible Officer*³ can provide you with advice and assistance. The relevant *Responsible Officer* is a *relevant authority* to receive disclosures of *public administration information* or *environmental and health information* regarding their area of responsibility, being the Department for Health and Wellbeing, the applicable Local Health Network or SA Ambulance Service and their *public officers*.
- 3. Contact the person's manager or supervisor**
If your disclosure of *public administration information* or *environmental and health information* relates to an SA Health *public officer*, the person responsible for the management or supervision of that SA Health *public officer* is also a *relevant authority* and you can disclose to them.
- 4. Contact the [Office of the Commissioner for Public Sector Employment](#)**
The Commissioner for Public Sector Employment is a *relevant authority* to receive disclosures of *public administration information* or *environmental and health information* regarding SA Health and SA Health public sector employees.

The person receiving the *appropriate disclosure of public interest information* is required to comply with a number of requirements set out under the PID Act and these Guides.

¹ Public interest information includes information relating to a substantial risk to the environment or to public health and safety and information relating to potential corruption, misconduct or maladministration in public administration

² Information relating to potential corruption, misconduct or maladministration in public administration

³ Being a Responsible Officer for the agency (Department for Health and Wellbeing, the applicable Local Health Network or SA Ambulance Service) to which the disclosure of information relates

When making the disclosure of information, if you are revealing your identity, you have rights set out below about being kept informed. Please speak to the *relevant authority* about how you wish to be contacted by them. It is important that keeping you informed is done in a way that maintains strict confidentiality. Decide together how you will be kept informed.

It is better to be kept informed in writing, although this is not a requirement.

Step 3 – Assessment of disclosure

Once you make an *appropriate disclosure of public interest information* in accordance with section 5 of the PID Act, the person to whom you made the *appropriate disclosure* must take certain steps as set out in section 7 of the PID Act.

This includes (amongst other things) taking reasonable steps to notify you (as the informant and provided your identity is known) that an assessment of the information has been made and to advise you (as the informant and provided your identity is known) of either:

- > the action being taken in relation to the information (section 7(1)(b)(i)), or
- > if, no action is being taken in relation to the information, of the reasons why no action is being taken in relation to the information (section 7(1)(b)(ii)).

The action being taken in relation to the information can include referring it to another person. If the action being taken is referring it to another person, then your identity is allowed to be disclosed as part of that referral, provided it is necessary for the purpose of investigating the disclosure.

If action is being taken in relation to the information, then the person you disclosed the information to (or the person it has been referred to) must take reasonable steps to notify you (as the informant and provided your identity is known) of the outcome of that action (section 7(3)(a)).

However, if you make an *appropriate disclosure of public interest information* to a Minister of the Crown, the requirements set out above from section 7 do not apply. The following provisions apply instead:

- > the Minister must, as soon as practicable, refer the disclosure to a *relevant authority*; and
- > the *relevant authority*:
 - must deal with the information in accordance with section 7 (as if the disclosure had been made to the *relevant authority* in the first place); and
 - must ensure that the Minister is notified of the action taken under section 7 in relation to the information and the outcome of such action.

Step 4 – Action to be taken

Section 7 of the PID Act requires the person to whom an *appropriate disclosure of public interest information* is made to take certain actions and notify OPI in accordance with the ICAC Guidelines. This is set out in more detail under 'Receipt, assessment and notification of appropriate disclosures of public interest information' in [Guide – Receiving and dealing with an appropriate disclosure of public interest information](#).

Section 7(2) provides that no action need be taken in relation to an *appropriate disclosure of public interest information* if:

- > the information disclosed does not justify the taking of further action; or
- > the information disclosed relates to a matter that has already been investigated or acted upon by a *relevant authority* and there is no reason to re-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 (see below).

Concerns about the action taken

If you are concerned or believe (as an informant) that your *appropriate disclosure* is not being dealt with appropriately:

- > If your *appropriate disclosure of public interest information* was made to a *relevant authority* in SA Health other than a *responsible officer*, please contact a relevant [Responsible Officer](#). *Responsible Officers* have obligations under the PID Act and will be able to assist you.
- > If your *appropriate disclosure* was made to a relevant *Responsible Officer*, contact other *relevant authorities* such as [OPI](#) or the [Office of the Commissioner for Public Sector Employment](#).

If you are concerned or suspect (as an informant) that you may have been or will be the subject of detriment on the grounds of having made, or being about to make, an *appropriate disclosure of public interest information*, you are encouraged to report that suspicion.

- > If your *appropriate disclosure of public interest information* was made to a *relevant authority* in SA Health other than a *Responsible Officer*, please contact a relevant [Responsible Officer](#). *Responsible officers* have obligations under the PID Act and will be able to assist you.
- > If your *appropriate disclosure* was made to a relevant *Responsible Officer*, you can always discuss your concerns with them, but you might prefer to contact other *relevant authorities* such as [OPI](#) or the [Office of the Commissioner for Public Sector Employment](#).

Disclosure to a journalist or member of Parliament

If you have:

- > made an *appropriate disclosure of public interest information* in accordance with section 5; and
- > believe on reasonable grounds that the information is true, and
- > if you have made your identity known to the person to whom that *appropriate disclosure* was made (that is, they can contact you);

you have certain rights.

You should receive notification of the action being taken (or the reasons for no action being taken) within 30 days of making that disclosure.

You should also receive notification of the outcome of the action taken within 90 days of making that disclosure. However, the person whom you notified can give you a written notice saying that this period of time will be longer.

These notifications can be either verbal or in writing. Under these Guides the *relevant authority* is encouraged to provide the notification in writing but under the PID Act this is not a requirement.

If the above applies, and if after 30 days or 90 days (or such other longer period specified in writing) you have not been notified as required, you are entitled to receive the protections under the PID Act if you make an *appropriate disclosure of the public interest information* to a *journalist* or *member of Parliament* (other than a Minister of the Crown, as Ministers of the Crown are already *relevant authorities* under the PID Act) (see section 6 of the PID Act).

Under the PID Act *journalist* means a person engaged in the profession or occupation of journalism in connection with the publication of information in a news medium.

Other information

As set out in these Guides, SA Health has an obligation to protect informants.

SA Health *Responsible Officers* are directed to ensure matters are kept strictly confidential, for example, all printed materials are kept in a locked cupboard or drawer that only the SA Health *Responsible Officer* can access and any conversations with an informant are to be held in private. In addition, the emails sent to and from SA Health *Responsible Officers* are kept secure and are not accessed by other staff members.

SA Health is committed to minimising any risk that an informant might be victimised as a consequence of making, or intending to make, a *public interest disclosure*. The penalties for breaching confidentiality and for victimisation are set out in Sections 8 and 9 of the PID Act.

SA Health *Responsible Officers* will provide support and information about the PID Act protections to informants, and encourage informants to raise any concerns they have about potential detrimental outcomes that may be caused from the disclosure.

For more information

**Department for Health and Wellbeing
Risk and Assurance Services
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www.sahealth.sa.gov.au

