



# Procedure

## Making an appropriate disclosure of public interest information

### DOCUMENT CONTROL

<b>Approved by:</b> Lynette Bellwood	<b>Approved on:</b> 13/12/2019
<b>Procedure reviewer:</b> Lynette Bellwood	<b>Next review due:</b> <b>1/12/2020</b>
<b>Procedure number:</b> ESB-31-PRO	<b>Version:</b> December 2019

## Contents

Purpose.....	3
Scope.....	3
Step 1: Before making a disclosure.....	3
Step 2: Making a disclosure .....	3
Step 3: Assessment of disclosure .....	4
Step 4: Action to be taken .....	5
Other information .....	5

## Purpose

To provide information about how to make an appropriate disclosure of public interest information

## Scope

The procedure applies to members of the public and public officers (public sector employees and contractors). For a full definition of *public officer*, see the [ICAC 'Glossary'](#).

## Step 1: Before making a disclosure

To make an appropriate disclosure of public interest information, you need to determine whether the information you have is public interest information. You also need to determine who you should disclose the information to (i.e. who the relevant authority is). Here is a list of the [relevant authorities](#).

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 or environmental and health information.

## Step 2: Making a disclosure

If you want to make an appropriate disclosure of public interest information related to ESB or an ESB public officer, you have a number of options, including:

### 1. You can contact the [Office for Public Integrity \(OPI\)](#)

The OPI is a relevant authority to receive disclosures of public administration information or environmental and health information regarding ESB, ESB public officers and ESB public sector employees.

### 2. You can contact an [Education Standards Board \(ESB\) responsible officer](#)

The ESB responsible officers can provide you with advice and assistance. ESB responsible officers are a relevant authority to receive disclosures of public administration information or environmental and health information regarding ESB and ESB public sector employees.

Here is information about [how to do this](#).

### 3. Contact the person's manager or supervisor

If your disclosure of public administration information or environmental and health information relates to a ESB public officer, the person responsible for the management or supervision of that ESB public officer is also a relevant authority and you can disclose to them. The manager or supervisor will then contact an ESB responsible officer without disclosing the name of the informant.

#### 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 ESB and ESB 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 procedures.

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 they will keep you 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, the person to whom you made the appropriate disclosure must take certain steps as set out in section 7 of the [Public Interest Disclosure Act \(2018\) SA](#) (PID Act).

This includes (amongst other things) taking reasonable steps to notify you (as the informant provided your identity is known) that an assessment of the information has been made and to advise you (as the informant) 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 any 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, if 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 [guideline 1: 'Receipt, assessment and notification of appropriate disclosures 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
- 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 by ESB appropriately, please contact the responsible officers if prior disclosure has been made to a supervisor or manager.

Responsible officers have obligations under the PID Act and will be able to assist you. If your appropriate disclosure was made to a department responsible officer, contact other relevant authorities, such as OPI or the Office of the Commissioner for Public Sector Employment.

## Other information

ESB has an obligation to protect informants.

ESB 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 ESB responsible officers can access. Any conversations with an informant are to be held in private. In addition, the emails sent to and from ESB responsible officers are kept secure and are not accessed by other staff members.

ESB 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.

ESB responsible officers will provide support and information about the PID Act protections to informants. They will encourage informants to raise any concerns they have about potential detrimental outcomes that may be caused from the disclosure.