



Receipt, assessment & notification
of appropriate disclosures (section 7)

PUBLIC INTEREST
DISCLOSURE
GUIDELINE ONE

Guideline one: Receipt, assessment & notification of appropriate disclosures (section 7)

The action that must be taken upon receipt of an appropriate disclosure of public interest information must be in accordance with sections 7(1) and 7(2) of the PID Act.

Section 7(1) and (2) of the PID Act provides:

- (1) *A person to whom an appropriate disclosure of public interest information is made must assess the information as soon as practicable after the disclosure is made and, following such assessment—*
- (a) *must (unless subsection (2) applies) take action in relation to the information in accordance with any applicable guidelines prepared under section 14 or, if no applicable guidelines exist, take such action as is appropriate in the circumstances; and*
 - (b) *must take reasonable steps to notify the informant (if the informant's identity is known) that an assessment of the information has been made and to advise the informant—*
 - (i) *of the action being taken in relation to the information; or*
 - (ii) *if, in accordance with subsection (2), no action is being taken in relation to the information—of the reasons why no action is being taken in relation to the information; and*
 - (c) *must provide OPI with information relating to the disclosure in accordance with any applicable guidelines prepared under section 14.*

> See PID Act, section 7(1)

(2) *No action need be taken in relation to an appropriate disclosure of public interest information if—*

- (a) *the information disclosed does not justify the taking of further action; or*
- (b) *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.*

> See PID Act, section 7(2)

The following guidelines apply in respect of the action to be taken by a person to whom an **appropriate disclosure** of information has been made (the recipient of the disclosure) and in respect of the notification to the OPI of the receipt of the appropriate disclosure:

1. If the content of the disclosure suggests that there is an imminent risk of serious physical injury or death to any person or the public generally, the recipient of the disclosure should immediately communicate such information as may be necessary to mitigate that risk to the most appropriate agency (eg. South Australia Police, SafeWork SA, SA Ambulance, Environment Protection Authority).
2. If the recipient of the disclosure forms a reasonable suspicion that the matter(s) the subject of the disclosure involve(s) corruption in public administration or serious or systemic misconduct or maladministration in public administration, the recipient of the disclosure **must** comply with his or her reporting obligations under the ICAC Act.
3. If the recipient of the disclosure assesses the content of the disclosure as requiring further action, the recipient of the disclosure must, unless the matter is reported to the OPI as a potential issue of corruption in public administration, ensure that:
 - (a) such action as may be appropriate in the circumstances is taken by the recipient of the disclosure to ensure the matter the subject of the disclosure is properly addressed; or
 - (b) such information as is necessary to enable action to be taken is communicated to the most appropriate person or relevant authority to take such action.

4. The recipient of the disclosure **must** notify the OPI of the **appropriate disclosure** as soon as reasonably practicable after the receipt of the appropriate disclosure by making an electronic notification via the dedicated notification form on the ICAC website (icac.sa.gov.au) and must include in that notification:
- (a) the date the disclosure was received;
 - (b) the name and contact details of the recipient of the disclosure;
 - (c) a summary of the content of the disclosure;
 - (d) the assessment made of the disclosure;
 - (e) the action taken by the recipient of the disclosure including:
 - (i) whether the disclosure was referred to another relevant authority, public authority, public officer or other person; and
 - (ii) if the disclosure was referred to another relevant authority, public authority, public officer or other person:
 - (1) the date of the referral;
 - (2) the identity of the relevant authority, public authority, public officer or other person to whom the disclosure was referred;
 - (3) the manner of referral; and
 - (4) the action to be taken by that relevant authority, public authority, public officer or other person (if known).
 - (f) if no action was taken by the recipient of the disclosure, the reason why no action was taken; and
 - (g) whether the identity of the informant is known only to the recipient of the disclosure or if the identity of the informant has been communicated to a relevant authority, public authority, public officer or other person (and if so, the reasons why such communication was made).

5. The recipient of the disclosure must retain the unique reference number issued by the OPI after the making of a notification and must ensure this unique reference number is provided to any other person or authority to whom the disclosure is referred.