

**PUBLIC INTEREST
DISCLOSURE
GUIDELINE THREE**

**Informant confidentiality
(section 8)**

Guideline three: Informant confidentiality (section 8)

The PID Act creates an obligation to maintain the confidentiality of all people who make an appropriate disclosure of public interest information.

Section 8 of the PID Act provides:

- (1) *A person to whom an appropriate disclosure of public interest information is made, or a person to whom such a disclosure is referred or who otherwise knows that such a disclosure has been made, must not, without the consent of the informant, knowingly divulge the identity of the informant except—*
 - (a) *so far as may be necessary to ensure that the matters to which the information relates are properly investigated; or*
 - (b) *in accordance with any applicable guidelines prepared under section 14.*

Maximum penalty: \$20 000 or imprisonment for 2 years.

- (2) *The obligation to maintain confidentiality imposed by this section applies despite any other statutory provision, or a common law rule, to the contrary.*

> See PID Act, section 8

The following guidelines apply in respect of section 8(1) of the PID Act.

- 1.** A person to whom an appropriate disclosure of public interest information is made, or a person to whom such a disclosure is referred or a person who otherwise knows that such a disclosure has been made (all of whom are called the recipient), may divulge the identity of an informant where:
 - (a)** the recipient believes on reasonable grounds that it is necessary to divulge the identity of the informant to prevent or minimise an imminent risk of serious physical injury or death to any person;

the identity of the informant is divulged to a person or authority that the recipient believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious physical injury or death to any person.

or
 - (b)** the recipient has been issued with a notice from the OPI advising that the identity of the informant is required by the OPI, in which case the recipient must disclose the identity of the informant to the OPI.
- 2.** If the identity of an informant is disclosed to the OPI in response to a notice made by the OPI pursuant to (1)(b) of guideline three (above), the OPI must not disclose the identity of the informant to another person or authority without the written authorisation of the ICAC or the Deputy ICAC.

