



### Using information for personal gain

As a public sector employee, you are privy to a large amount of information. You mustn't use it for any purpose other than your public sector role.

#### What is personal gain?

A significant amount of the information public sector employees come across in the performance of their role is likely to be confidential or sensitive. Various pieces of legislation mandate that public sector employees must not disclose work information other than in the performance of their work.

Using information for personal gain is when an employee receives a personal benefit from the information, even if they have accessed it legitimately during their work. A personal benefit can involve receiving something other than money in exchange for information or using the information to place themselves at an advantage over others.

It can also involve using the information to gain good favour with someone, build relationships, or have someone 'owe you'. You may feel pressured to access and disclose the information to get them off your back. A common form of using information for personal gain is checking the backgrounds of people you meet on a dating app.

In these instances, a secondary misconduct risk is a conflict of interest.

#### Conflict of interest

A conflict of interest occurs when an employee's private interests interfere or appear to interfere with their duty to put the public interest first.

A conflict can arise in many ways and numerous professional duties and obligations. The most common types of conflicts involve:

- ▼ family and close associates
- ▼ secondary (outside) employment
- ▼ previous employment, or
- ▼ memberships (for example, political, professional, sporting, social or cultural organisations).

A failure to disclose and properly manage a conflict of interest can constitute misconduct.



## CASE STUDY

An employee of Corrections Victoria commenced their role as a Justice Property Officer in 2017. In being appointed to the role they declared they were not related to or associated with anyone currently or previously held in correctional facilities in Australia.

In 2018, the Independent Broad-based Anti-corruption Commission (IBAC) commenced an investigation, which determined the employee:

- ▼ failed to declare associations with current and former inmates in Victorian correctional facilities and their connections to criminal entities, and
- ▼ accessed restricted information on numerous occasions, outside the scope of their official duties, for at least 13 individuals known to them or their partner, using two different computer systems.

The employee admitted to these actions, stating to IBAC they did not fully understand their obligations under Corrections Victoria policies at the time.

IBAC found the employee's mobile phone number was already listed in Corrections Victoria systems on phone lists for two prisoners.

IBAC referred the matter back to Corrections Victoria for appropriate disciplinary action.

*Extracted from 'Unauthorised access and disclosure of information held by the Victorian public sector' report, IBAC<sup>1</sup>*

## Consequences of using information for personal gain

Abuse of work information is misconduct. It is a breach of the trust placed in employees to carry out their duties ethically and honestly.

Disclosure of confidential or protected information is a very serious form of misconduct. Consequences may extend to dismissal, criminal prosecution or civil legal action against the individual and organisation involved.

## How to protect yourself

Don't let personal relationships cloud your judgement in the workplace.

The following list should help you identify any misconduct risks that may arise from mixing your role as a public sector employee with your personal relationships.

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1. Remember your official duties and obligations

As a public sector employee, your primary responsibility is to act in the best interests of the Tasmanian community.

2. Identify, declare and manage any conflict of interest, perceived or actual

You are obliged to report all actual, potential and perceived conflicts of interest. Some agencies require you to report and manage any declarable associations.

A declarable association exists when an individual is associated with a person, group, or organisation that is (or is perceived to be) involved in an activity incompatible with their public sector role. These associations create a conflict of interest between the individual's responsibility to their organisation and their personal relationships / private interests.

For example, you may have a family member who owns a business regulated by your department. You are required to declare the association with that family member.



## CASE STUDY

Between 30 July 2013 and 19 May 2016, a Queensland Senior Constable accessed a Queensland Police Service (QPS) database on nine occasions to ascertain the residential address of a member of the public.

The officer gave the woman's residential address to her ex-husband, who was his friend. The officer's access was discovered due to the chance discovery of text messages between him and the ex-husband.

On 23 June 2016, the woman made a complaint to the Queensland Crime and Corruption Commission (CCC) about the officer. She provided a document purporting to record messages between the officer and her ex-husband.

The complaint was referred by the CCC to the QPS to investigate, subject to CCC oversight. Following the investigation, the officer was sentenced in October 2019 to a suspended jail term after pleading guilty to all nine counts.

Following a successful appeal in September 2020, the Senior Constable was re-sentenced to a total of 140 hours of community service for two computer hacking charges.

*Extracted from the QLD CCC report on Operation Impala<sup>2</sup>*

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3. Set clear boundaries in personal relationships

Be cautious when asked by relatives, friends, and business acquaintances for assistance with any action that could involve your organisation.

Even if they are unaware that they are creating a potential conflict for you, you should clarify that you cannot assist and declare the approach to your manager.

4. Exercise judgement about your social networks

Within your social networks, you may meet people who see your position as one that can benefit them.

Be mindful of your social settings, who you engage with and how much information you share, especially if you work in finance, contract management, law enforcement, regulatory compliance, or procurement.

Be careful of what you reveal about yourself and your job through social media.

If you still feel uncertain, seek advice from your manager about managing your relationships to avoid actual or perceived conflicts of interest and misconduct.

*Adapted with permission from Queensland CCC Prevention in focus – Conflicts of interest and disclosing confidential information<sup>3</sup>*

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<sup>1</sup> [www.ibac.vic.gov.au/docs/default-source/research-documents/unauthorised-access-and-disclosure-of-information-held-by-the-victorian-public-sector.pdf?sfvrsn=d76fc48\\_6](http://www.ibac.vic.gov.au/docs/default-source/research-documents/unauthorised-access-and-disclosure-of-information-held-by-the-victorian-public-sector.pdf?sfvrsn=d76fc48_6)

<sup>2</sup> [www.ccc.qld.gov.au/publications/operation-impala-report-misuse-confidential-information-queensland-public-sector](http://www.ccc.qld.gov.au/publications/operation-impala-report-misuse-confidential-information-queensland-public-sector)

<sup>3</sup> [www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/Prevention-in-focus-Conflicts-of-interest-and-disclosing-confidential-information.pdf](http://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/Prevention-in-focus-Conflicts-of-interest-and-disclosing-confidential-information.pdf)



### The Commission can help

We are available to provide support and assistance with identifying, reporting, investigating, managing and preventing misconduct: [prevention@integrity.tas.gov.au](mailto:prevention@integrity.tas.gov.au) or 1300 720 289.

For more Misconduct Prevention resources go to [www.integrity.tas.gov.au/resources](http://www.integrity.tas.gov.au/resources)