

Confidentiality under section 98



Your rights and responsibilities

The Integrity Commission has the power to issue 'notices', and to make them confidential under section 98 of the *Integrity Commission Act 2009* (Tas). A 'notice' is often in the form of a letter.

This means that, unless you have a 'reasonable excuse', you must not tell another person:

- that the notice exists
- the contents of the notice, or
- about any matters relating to or arising from the notice.

The notice will clearly state whether section 98 confidentiality applies.

You must comply with this confidentiality until we tell you that it no longer applies. This usually occurs at the end of the particular matter.

The purpose of confidential notices

We apply confidentiality to notices to:

- ensure the integrity of assessments and investigations
- protect the privacy of individuals, and
- prevent reputational damage.

Consequences of a breach

Breaches of section 98 confidentiality are treated seriously, as they have the potential to cause harm to others, and to affect the work that we do.

It is an offence to breach section 98. Breaches may be punishable by a fine of up to 2,000 penalty units.

Exceptions to section 98

If you have a 'reasonable' excuse, you can disclose the notice to another person. The most common types of reasonable excuses are:

- seeking legal advice in relation to the notice or matters arising from the notice
- obtaining information from others to comply with the notice e.g. contacting a records officer to obtain documents
- requesting permission to leave the workplace to attend the Commission to give evidence, and
- health reasons e.g. speaking to a medical practitioner, psychologist or psychiatrist, or counsellor.

Note: You must pass on the confidentiality obligations. This means that you must tell the person that it is an offence for them to disclose the existence of the notice to another person unless they also have a reasonable excuse.

The Commission can help

This information sheet is a summary giving you basic information only. It does not contain legal advice.

If you would like more information, contact us on 1300 720 289 or email contact@integrity.tas.gov.au

