



## Confidentiality — your responsibilities

When you receive a notice issued by the Integrity Commission, it may include an instruction that you keep the contents confidential. This is a law under section 98 of the *Integrity Commission Act 2009*.

### What is section 98?

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

Section 98 of the Act says that, unless you have a 'reasonable excuse', you must not tell another person:

- ▼ that the notice exists
- ▼ about 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 specific matter.

### The purpose of confidential notices

We apply confidentiality to notices to:

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

### Consequences of a breach

We treat breaches of section 98 confidentiality seriously because they can cause harm to others and affect the work that we do.

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

## Exceptions to section 98 confidentiality

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

- ▼ you are seeking legal advice about the notice or matters arising from the notice
- ▼ you need to get information from other people to comply with the notice, for example, contacting a records officer to obtain documents
- ▼ you need to request permission to leave the workplace to attend the Commission to give evidence
- ▼ you have health reasons, for example, speaking to a medical practitioner, psychologist, psychiatrist, or counsellor.

If you have a reasonable excuse to tell another person, 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

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

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