



There are important reasons why information relating to matters involving the Office of the Inspector is confidential.

Most information related to or connected with matters involving the Office of the Inspector is confidential. This is because the *Independent Commission Against Corruption Act 2012*, the *Police Complaints and Discipline Act 2016* and the *Ombudsman Act 1972* impose strict limitations on what information can be disclosed or published.

You can disclose confidential information to the Office of the Inspector for the purposes of making a complaint about ICAC, the OPI or Ombudsman SA.

Independent Commission Against Corruption Act 2012 (ICAC Act)

Disclosing information

If you receive information connected with a complaint, report, assessment, investigation, referral or evaluation under the ICAC Act (including matters being reviewed by the Inspector), you cannot disclose that information **unless you meet one of the following criteria:**

- You have been authorised in writing to disclose it by the Commissioner of the Independent Commission Against Corruption (the ICAC Commissioner), the Director of the Office for Public Integrity (OPI) or by a person approved to give an authorisation under the ICAC Act.
- You are disclosing information for the purposes of:
 - Dealing with a matter referred by ICAC or the OPI under the ICAC Act.
 - A criminal proceeding, or disciplinary action.
 - Obtaining legal advice or legal representation, or determining whether you are entitled to indemnity for legal costs.
 - Obtaining medical or psychological assistance from a medical practitioner or psychologist.
 - Advising your employer.
 - Advising your business partners or others with whom you have a fiduciary relationship.
 - Managing a workers compensation claim.
- The information relates to you, in which case you may disclose it to a close family member (a spouse, parent, grandparent, sibling, guardian or carer).



See section 54(3) of the *Independent Commission Against Corruption Act 2012* for more information.

Publishing information

The ICAC Act also limits what can be published about matters reported or referred to ICAC or to the OPI unless authorised in writing by:

- the ICAC Commissioner or the Director of the OPI
- a person approved to give an authorisation under the ICAC Act
- court hearing proceedings for an offence against the ICAC Act.

Section 54(5) of the ICAC Act prevents the publishing of certain categories of information, including:

- Information tending to suggest that a particular person is, has been, may be, or may have been, the subject of a complaint, report, assessment, investigation or referral under the ICAC Act.
- Information that might enable a person who has made a complaint or report under the ICAC Act to be identified or located.

'Publish' means publish by newspaper, radio, television, or on the internet, including social media.



See section 54(5) of the *Independent Commission Against Corruption Act 2012* for all information that is prevented from being published.



Disclosing information

If you have received information connected with a complaint, report, assessment or investigation under the PCD Act, you cannot disclose that information **unless you meet one of the following criteria:**

- You have been authorised in writing to disclose it by the Commissioner of Police, the ICAC Commissioner, the OPI or a person approved to give an authorisation under the PCD Act.
- You are disclosing the information for the purposes of:
 - Dealing with a matter under the PCD Act by the Commissioner of Police, or under the PCD Act or the ICAC Act by the ICAC Commissioner or the OPI.
 - A criminal proceeding or disciplinary action.
 - Obtaining legal advice or legal representation, or determining whether you are entitled to indemnity for legal costs.
 - Obtaining medical or psychological assistance from a medical practitioner or psychologist.



See section 45(3) of the [Police Discipline and Complaints Act 2016](#) for more information.

Publishing information

The PCD Act also limits what can be published unless authorised in writing by:

- the Commissioner of Police, the ICAC Commissioner or the OPI
- a court hearing proceedings for an offence against the PCD Act.

Section 46 of the PCD Act prevents the publishing of certain categories of information, including:

- Information tending to suggest that a particular person is, has been, may be, or may have been, the subject of a complaint, report, assessment or investigation under the PCD Act.
- Information that might enable a person who has made a complaint or report to be identified or located.

'Publish' means publish by newspaper, radio, television, or on the internet, including social media.



See section 46 of the [Police Discipline and Complaints Act 2016](#) for all information that is prevented from being published by the PCD Act.



Disclosing information

If you have received information connected with a complaint, report, assessment, investigation, referral or evaluation under the Ombudsman Act, you cannot disclose that information **unless you meet one of the following criteria**:

- You have been authorised in writing by the Ombudsman or by a person approved to give an authorisation under the Ombudsman Act.
- You are disclosing the information for the purposes of:
 - Dealing with a matter under the Ombudsman Act.
 - A criminal proceeding or disciplinary action.
 - Obtaining legal advice or legal representation, or for the purposes of determining whether you are entitled to indemnity for legal costs.
 - Obtaining medical or psychological assistance from a medical practitioner or psychologist.
 - Advising your employer.
 - Advising your business partners or others with whom you have a fiduciary relationship.
 - Managing workers compensation claim.
- The information relates to you, in which case you may disclose it to a close family member (a spouse, parent, grandparent, sibling, guardian or carer).



See section 29A(3) of the [Ombudsman Act 1972](#) for more.

Publishing information

The Ombudsman Act also limits what can be published unless authorised in writing by the Ombudsman, or a person approved by the Ombudsman, or by a court hearing proceedings for an offence against the Ombudsman Act.

Section 29A(6) of the Ombudsman Act prevents the publishing of certain categories of information, including:

- Information suggesting that a particular person is, has been, may be, or may have been, the subject of a complaint, report, assessment, investigation or referral under the Ombudsman Act.
- Information that might enable a person who has made a complaint or report to be identified or located.



See section 29A(6) of the [Ombudsman Act 1972](#) for all information that is prevented from being published by the Ombudsman Act.

The information included in this fact sheet is a summary only. For further information about confidentiality requirements, you should consult:

- section 54 of the *Independent Commission Against Corruption Act 2012*
- sections 45 and 46 of the *Police Complaints and Discipline Act 2016*
- section 29A of the *Ombudsman Act 1972*.

You should also seek independent legal advice.

