

## Public Interest Disclosure Standard No. 3/2019

### 1. Title

Public Interest Disclosure Standard No. 3/2019 – Public Interest Disclosure Data Recording and Reporting

### 2. Purpose

This standard prescribes the organisational systems and procedures agencies must establish in order to give effect to the requirement under section 29 of the *Public Interest Disclosure Act 2010* (PID Act) to keep proper records of public interest disclosures and under section 33 to give information to the oversight agency<sup>1</sup>.

### 3. Effective Date

1 March 2019

### 4. Authority

This standard is issued by the Queensland Ombudsman under section 60 of the *Public Interest Disclosure Act 2010* (PID Act).

### 5. Application

This standard applies to and is binding on all public sector entities within the meaning of section 6 of the PID Act. In addition, this standard applies to corporate entities and Government Owned Corporations (GOCs) to the extent that the PID Act expressly states that they are public sector entities to which the PID Act applies<sup>2</sup>. The application of this standard to GOCs is also subject to sections 60(7) and 60(8) of the PID Act.

This standard operates in conjunction with Public Interest Disclosure Standard No. 1/2019 – Public Interest Disclosure Management Program and Public Interest Disclosure Standard No. 2/2019 – Assessing, Investigating and Dealing with Public Interest Disclosures.

---

<sup>1</sup> Refer also to obligations under the *Public Records Act 2002* and the Information security policy (IS18:2018) issued by the Queensland Government Chief Information Office)

<sup>2</sup> Refer to s.6(2) of the *Public interest Disclosure Act 2010*

## 6. Definitions

For the purposes of this standard the following definitions apply:

discloser	A person who makes a PID.
entity	A public sector entity as defined at section 6 of the PID Act, a corporate entity or a GOC.
GOC	Government Owned Corporation as defined at schedule 4 of the PID Act.
officer	A public officer of a public sector entity, including an employee, member or officer of the entity as defined at section 7 of the PID Act.
PID	Public interest disclosure.
PID Act	<i>Public Interest Disclosure Act 2010</i>
possible PID	Information submitted by a person who states it is a PID.
proper authority	A public sector entity or member of the Legislative Assembly as defined at section 5 of the PID Act.
RaPID	PID reporting database operated by the oversight agency into which entities enter PID data.
subject officer	A person about whom a PID is made.

## 7. Responsibilities

For the purposes of this standard the following responsibilities are relevant:

oversight agency	<p>The main functions of the Office of the Queensland Ombudsman as the oversight agency under the PID Act include<sup>3</sup>:</p> <ul style="list-style-type: none"><li>• monitoring the management of PIDs, including by monitoring compliance with the Act, collecting statistics about PIDs and monitoring trends in relation to PIDs</li><li>• reviewing the way in which public sector entities deal with PIDs generally, or particular PIDs</li><li>• performing an education and advisory role, including by promoting the objects of the Act, providing advice about PIDs and providing education and training programs about PIDs.</li></ul>
chief executive officer	<p>The chief executive officer of an entity has overall responsibility under the PID Act for the entity's compliance with the Act, including:</p> <ul style="list-style-type: none"><li>• receiving and assessing PIDs<sup>4</sup></li><li>• establishing reasonable procedures to deal with PIDs<sup>5</sup></li><li>• keeping a record of disclosures<sup>6</sup></li><li>• reviewing the entity's decisions not to investigate or deal with PIDs on request<sup>7</sup></li><li>• providing disclosure information to the oversight agency<sup>8</sup></li></ul>

<sup>3</sup> Refer to s.59 of the *Public interest Disclosure Act 2010*

<sup>4</sup> Refer to s.17(3) of the *Public interest Disclosure Act 2010*

<sup>5</sup> Refer to s.28 of the *Public interest Disclosure Act 2010*

<sup>6</sup> Refer to s.29 of the *Public interest Disclosure Act 2010*

<sup>7</sup> Refer to s.30(3) of the *Public interest Disclosure Act 2010*

<sup>8</sup> Refer to s.33 of the *Public interest Disclosure Act 2010*

	<ul style="list-style-type: none"> <li>delegating responsibilities under the PID Act as they consider appropriate, and</li> <li>ensuring effective management and oversight of the entity's PID management program and procedures.</li> </ul>
PID Coordinator	A PID Coordinator is an officer of the entity, delegated by the chief executive officer with responsibility for the implementation of the entity's PID management program, including acting as a principal point of contact with the oversight agency.
PID Support Officer	A PID Support Officer is an officer of the entity, delegated by the chief executive officer or the PID Coordinator with responsibility for providing support to a discloser, subject officer or witness who is involved in the management of a PID.

## 8. Public Interest Disclosure Data Recording and Reporting Standard

As provided at section 60(1) and (2) of the PID Act, the Public Interest Disclosure Data Recording and Reporting Standard applies to the way in which public sector entities are to deal with public interest disclosures, and in particular the procedures relating to:

- the way in which public sector entities are to perform their functions under the PID Act, and
- the provision by public sector entities to the oversight agency of statistical information about public interest disclosures.

### Standard 3.1: Record-keeping

The chief executive officer of an entity to which a PID or purported PID is made, or is referred under section 31 or 34 of the PID Act, must keep a proper record of the PID (in accordance with section 29 of the PID Act). The record must meet the following minimum requirements:

3.1.1 Record required information	<ul style="list-style-type: none"> <li>Record the following information: <ul style="list-style-type: none"> <li>the name of the person making the disclosure (if known)</li> <li>the information disclosed</li> <li>the name of the entity that referred the disclosure (if relevant)</li> <li>any action taken on the disclosure, and</li> <li>all other information required under a standard made under section 60 of the PID Act.</li> </ul> </li> </ul>
3.1.2 Maintain accurate records	<ul style="list-style-type: none"> <li>Establish and maintain a record-keeping system (appropriate to the nature, size and geographic spread of the entity) to: <ul style="list-style-type: none"> <li>record all PIDs and possible PIDs</li> <li>search for information about PIDs and possible PIDs</li> <li>extract data about PIDs and possible PIDs for reporting purposes.</li> </ul> </li> <li>Establish procedures and processes to ensure that all PIDs and possible PIDs received by the entity are accurately recorded.</li> <li>Conduct regular audits to identify and address deficits in the record-keeping.</li> </ul>

3.1.3 Ensure confidentiality of records	<ul style="list-style-type: none"> <li>• Protect the security and confidentiality of PID records by: <ul style="list-style-type: none"> <li>– applying appropriate security protocols to the record-keeping system</li> <li>– limiting access to the record-keeping system to the PID Coordinator and other officers with delegated responsibility for maintaining PID records</li> </ul> </li> </ul>
3.1.4 Enter and update records in a timely manner	<ul style="list-style-type: none"> <li>• Enter PIDs and possible PIDs in the record-keeping system as soon as practicable after being received or assessed.</li> <li>• Update information about the action taken on a PID or possible PID as soon as practicable after the action has been taken.</li> <li>• Complete the record-keeping about a PID or possible PID as soon as practicable after the matter has been finalised.</li> </ul>

### Standard 3.2: Reporting to the oversight agency

The chief executive officer of an entity must give to the oversight agency all or any of the information mentioned in section 29 of the PID Act, including information required in a standard made under section 60 of the PID Act (in accordance with section 33 of the PID Act). The disclosure of information to the oversight agency must meet the following minimum requirements:

3.2.1 Record required data	<ul style="list-style-type: none"> <li>• The following mandatory data must be recorded and reported: <ul style="list-style-type: none"> <li>– date PID received</li> <li>– if PID is a referral from a Member of Parliament</li> <li>– if PID is a referral from another entity</li> <li>– public sector entity which the referral was received from</li> <li>– type of PID</li> <li>– if a reprisal PID, details of the PID history</li> <li>– discloser type</li> <li>– discloser's location</li> <li>– subject officer type</li> <li>– subject officer's location</li> <li>– discloser's relationship to subject officer/s</li> <li>– a summary of the PID</li> <li>– date initial risk assessment completed for discloser</li> <li>– if agency support officer assigned to discloser</li> <li>– date PID assessment completed</li> <li>– assessment decision</li> <li>– grounds for decision to take no action</li> <li>– date decision to take no action communicated to discloser</li> <li>– if discloser requested a review of decision to take no action</li> <li>– basis for review request</li> <li>– date review of decision to take no action completed</li> <li>– outcome of review</li> <li>– date investigation of PID commenced</li> <li>– date investigation of PID completed</li> <li>– outcome of investigation</li> <li>– if investigation discontinued, an explanation</li> <li>– resolution action taken by the entity</li> <li>– date outcome of investigation communicated to discloser.</li> </ul> </li> </ul>
----------------------------	---

	<ul style="list-style-type: none"> <li>• The following optional data should be recorded and reported where practicable to do so: <ul style="list-style-type: none"> <li>- discloser's gender, ATSI identity and language background</li> <li>- subject officer's gender, ATSI identity and language background</li> <li>- legal proceedings, appeal or complaint processes that arose during or after management of the PID</li> <li>- outcome of legal proceedings, appeal or complaint processes</li> <li>- if the discloser contacted the media</li> <li>- if so, at what stage of the PID management process.</li> </ul> </li> </ul>
3.2.2 Report data	<ul style="list-style-type: none"> <li>• Submit mandatory data and, where possible, optional data using the RaPID PID reporting database operated by the oversight agency.</li> <li>• Nominate at least two officers authorised to be provided with access rights to submit data using RaPID.</li> <li>• Follow the instructions in the RaPID User Manual and other information provided by the oversight agency in entering data</li> <li>• Comply with section 65 of the PID Act and instructions provided by the oversight agency in relation to protecting the security of the data entered and stored in RaPID</li> </ul>
3.2.3 Enter and update data regularly	<ul style="list-style-type: none"> <li>• Enter data about PIDs received by or referred to the entity in RaPID within 30 days of the assessment of the matter as a PID (up to the 'case submission' stage in RaPID).</li> <li>• Update data about PIDs entered in RaPID within 30 days of the management of the PID being finalised (up to 'case closed' stage in RaPID).</li> <li>• Audit all case records in RaPID regularly to identify and update incomplete records.</li> </ul>