

What can the IPSC do with my information?

Commissioners and staff of the IPSC are subject to statutory confidentiality obligations regarding information obtained in the course of undertaking their duties. A breach is enforceable as an offence.

IPSC documents cannot be accessed under the *Freedom of Information Act 1982*.

The IPSC has various information sharing powers. Generally, the IPSC can share information (including personal information) in order to perform its functions and powers.

In some cases, the Commissioner assigned to deal with a matter may consider it appropriate to issue a notice to impose confidentiality obligations on persons involved in that matter.

Who can the IPSC share my information with?

Employers

The IPSC may share information that relates to a conduct issue with the employer of the complainant or with the employer of the respondent, where:

- the complainant consents to the disclosure, or
- the IPSC is satisfied the information is relevant to a duty or obligation of the employer under a work health and safety law.

Government agencies and office holders

The IPSC may disclose information to the following bodies, if satisfied disclosure is reasonably necessary to assist the following to perform their functions or powers:

- the PWSS,
- other Commonwealth entities or office holders (such as the National Anti-Corruption Commission (NACC),

- Presiding Officers, and
- State or Territory law enforcement entities.

For example, the IPSC could share information with a Commonwealth integrity agency (e.g. the NACC) to determine if conduct referred to the IPSC has already been dealt with, or would be better dealt with, by that agency.

The IPSC is not required to have complainant consent to share information in this way, though consent could be sought.

While the IPSC is required to provide information to the PWSS for its annual reports, information that identifies a person cannot be included in those reports.

Conversely, the Parliamentary Workplace Support Service Act 2023 authorises Commonwealth entities and officeholders to disclose information to the IPSC if the disclosure is reasonable necessary to assist it to perform its functions or powers.

Police

The IPSC may disclose information with federal, state and territory law enforcement to assist them to perform its functions and powers. Generally, the consent of a complainant (if any) is not needed.

The IPSC is able to confer with police to assist a decision on whether it is appropriate for the IPSC to investigate a complaint. However, the IPSC could not refer a complaint of sexual assault or assault to the police for investigation without complainant consent.

Other disclosures that IPSC may make

The IPSC may also disclose information to any person to address a serious threat to life, health or safety, or where required or authorised by law, including where required to provide information to a court.

Can the IPSC ask me to provide certain information?

Yes. If the IPSC has reasonable grounds to believe that you have information about a conduct issue they are investigating, they may ask you to give information to assist the investigation.

You may be invited to give information to the IPSC. Alternatively, the IPSC may issue a notice requiring that you provide information or attend an interview to assist an investigation.

A person who gives information to the IPSC, in response to a notice or voluntarily, cannot be subject to any civil, administrative or criminal liability for doing so.

The Commissioner can request that you produce any relevant records of information or communication, including text or app messages (e.g. WhatsApp or Signal) and social media content. A 'document' would include emails, text or app messages, social media content and file notes, for example.

You are not required to provide to the IPSC information that relates to a support service provided by the PWSS. Support services provided to you by the PWSS are confidential. You are also not required to provide information that is subject to legal professional privilege, parliamentary privilege, or the privilege against self-incrimination.

If you are a journalist, you are not required to provide information that could reveal the identity of an informant.