

Receiving a potential internal PID

(referred to below as a PID)

Upon receipt of a potential PID, the **authorised officer** should:

- » advise the person making the disclosure of the process and available support (s 7 PID Standard)
- » seek their consent to identify them to the principal officer (PID Act s 44(1)(d))
- » make preliminary inquiries, where necessary (PID Act s 43(4))
- » if verbal, make a written record of the disclosed information

Assessing the potential PID

The **authorised officer** assesses the potential PID to establish:

- » is the person making the disclosure a current or former public official (PID Act s 26(1)(a) & s 69) (if not is it appropriate to deem them a public official (PID Act s 70))
- » was the information received by an authorised internal recipient (PID Act s 26 (Item 1, Column 2) & s 34)
- » does the disclosed information (PID Act s 26 (Item 1, Column 3) & s 29):
 - reasonably tend to show disclosable conduct, or
 - does the person making the disclosure reasonably believe that it tends to show disclosable conduct

Yes, it is a PID

The **authorised officer** must:

- » consider where to allocate the internal PID (PID Act s 43(3) & s 43(6))
- » allocate the PID (PID Act s 43(1))
- » where practicable, notify the discloser (PID Act s 44(2) & s 44(4))
- » notify the principal officer (PID Act s 44(1))
- » notify the Ombudsman (PID Act s 44(1A))
- » make a record (s 6 PID Standard)
- » refer to reprisal officer for a risk assessment

No, it is not a PID

The **authorised officer** must:

- » where practicable, notify the person who made the disclosure and refer to other relevant processes (PID Act s 44(3), s 44(4) & s 43(2))
- » make a record (s 6 PID Standard)

Conducting a risk assessment

The **reprisal officer** should:

- » conduct a risk assessment following the agency's reprisal risk management procedures (PID Act s 59(1)(a))
- » assess the risk of reprisal and workplace conflict and identify mitigation strategies (PID Act ss 13, 19)
- » take action to prevent or address harm (PID Act s 59(3)(a))
- » monitor and review the assessment and actions, keeping appropriate records

Investigating a PID

The **principal officer (or their delegate)** should:

- » consider how to investigate and whether there are grounds to not investigate (PID Act ss 47(3) & 48)

Yes, investigate

The **principal officer (or their delegate)** must:

- » notify the discloser (PID Act s 50(1)(a), s 50(1A), s 50(5) & s 9 PID Standard)
- » conduct the investigation (PID Act s 47(2), s 47(3), s 52, s 53, s 54, Part 3, PID Standard)
- » seek an extension of time if required (PID Act s 52(3))
- » consider whether there are grounds to cease investigating (PID Act s 48)

No, do not investigate under the PID Act

The **principal officer (or their delegate)** must:

- » consider whether other action is appropriate to investigate or respond to the disclosed information (PID Act s 48(2))
- » notify the discloser (PID Act ss 50(1)(b), 50(2) & s 50(5))
- » notify the Ombudsman (PID Act s 50A(1))

Finalising the investigation and taking action

The **principal officer (or their delegate)** must:

- » finalise a report of the investigation (PID Act s 51, s 13 PID Standard)
- » make redactions if appropriate (PID Act s 51(5))
- » provide a copy to the discloser (PID Act s 51(4), s 51(6))
- » take action in relation to any recommendations

! REMEMBER!

A person who has made a disclosure can complain to the Ombudsman if they are unhappy with the agency's handling of the PID.

A public official who has already made an internal PID may be able to make an external disclosure about the same matter if that is not on balance contrary to the public interest and (PID Act s 26 Item 2):

- » the PID investigation is not completed within the allowed time under the PID Act, or
- » the discloser reasonably believes that:
 - the PID investigation was inadequate, or
 - the response to the PID investigation was inadequate.

14 DAYS

90 DAYS