

Making a protected disclosure to the Inspector-General

If you have questions about anything in this fact sheet you can seek guidance from the Inspector-General at any time.

Who should read this?

This information relates to you if you are:

- a current or former employee of the GCSB or NZSIS; or
- a current or former employee of any public sector organisation;

and

- you have concerns about serious wrongdoing in your organisation that includes or involves classified information which is necessary to disclose; and
- you believe it necessary to bring your concerns to the attention of someone with the authority and independence to investigate.

"Employee" includes current and former employees, contractors, secondees and volunteers (including sources).

What is a protected disclosure?

The Protected Disclosures Act 2022 protects from retaliation current and former employees who make disclosures of **serious wrongdoing** in or by their organisation, if they disclose in the right way, to the right person.

Serious wrongdoing is any act, omission, or conduct that is 1 or more of the following:

- a. an offence (eg a crime)
- b. a serious risk to public health, public safety, the health or safety of an individual, or the environment
- c. a serious risk to the maintenance of law, including the prevention, investigation and detection of offences, or the right to a fair trial
- d. an unlawful, a corrupt, or an irregular use of public funds or public resources
- e. oppressive, unlawfully discriminatory, or grossly negligent, or that is gross mismanagement, and is done (or is an omission) by a public sector employee, or a person performing (or purporting to perform) a function or duty or exercising (or purporting to exercise) a power on behalf of a public sector organisation or the Government.

If you genuinely believe your concerns amount to serious wrongdoing, even if you are mistaken, your disclosure is a protected disclosure.

Protected disclosures involving intelligence and security information have a special procedure. Intelligence and security information is:

- information about the activities of the NZSIS or GCSB; or
- classified information (CONFIDENTIAL or above) held by another public sector agency.

A protected disclosure for intelligence and security information can be made:

- in accordance with your organisation's protected disclosures procedure; or
- to the head or deputy head of your organisation; or
- to the Inspector-General of Intelligence and Security (IGIS) at any time.

The IGIS is an appropriate authority under the Protected Disclosures Act to receive protected disclosures involving classified information. The IGIS is an independent statutory officer, completely separate from the NZSIS, GCSB and Ministers.

How to make a protected disclosure to the IGIS

You can make a protected disclosure to the IGIS in any format. You can contact us for advice on how to make a disclosure safely and securely.

Once we have received your protected disclosure we will do everything we can to protect your identity. We will talk to you about how best to protect you and your identity in a way that acknowledges your unique circumstances. Note however that you might not be able to remain anonymous permanently, if your disclosure is to be investigated effectively.

The process we will follow on receipt of a disclosure will depend upon the circumstances, but generally we will:

1. acknowledge receiving your disclosure and, if the disclosure was received orally, summarise our understanding of it
2. check with you whether your disclosure has been made elsewhere (and any outcome)
3. deal with the disclosure by:
 - a. investigating it; or
 - b. referring it to another appropriate authority; or
 - c. deciding no action is required
4. inform you (with reasons) about what we have done or are doing to deal with the matter.

The IGIS would seek your views before referring a disclosure to another appropriate authority for investigation. We might refer if the matter more closely concerns the expertise of the other authority, eg the Auditor-General regarding disclosures of serious financial wrongdoing.

What protections are available when you make a protected disclosure?

The receiver of a protected disclosure must use their best endeavours to keep **confidential** any information that might identify you, with some exceptions to prevent serious risk to public or individual health and safety or enable law enforcement.

If you make a protected disclosure in good faith you have:

- immunity from civil, criminal and disciplinary proceedings
- protection from retaliation from your employer for your protected disclosure
- protection from being treated less favourably (victimized) by your employer.

There is additional protection under the Intelligence and Security Act 2017 for an employee of the NZSIS and GCSB who provides information to the IGIS in good faith, even if it does not meet the definition of a protected disclosure.

How to contact the Inspector-General

- By email: enquiries@igis.govt.nz
- By phone: +64 4 460 0030
- In person – please contact the Inspector-General using one of the above means and we can arrange to meet you at an appropriate location.
- By mail: Inspector-General of Intelligence and Security, PO Box 5609, Wellington 6140