



Office of the Inspector-General of Intelligence and Security

The Inspector-General's (IGIS) protected disclosure fact sheet for people handling classified information

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

Who should read this?

You, if you are an employee of the GCSB or the NZSIS.

You, if you are an employee of any other public sector organisation and your disclosure concerns the NZSIS and/or GCSB or classified information.

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

What is a protected disclosure?

The Protected Disclosures Act 2000 protects from retaliation current and past employees who make disclosures of serious wrongdoing in or by their organisation if they try to disclose in the right way, to the right person.

Serious wrongdoing includes:

- unlawful, corrupt or irregular use of public money or resources;
- conduct that poses a serious risk to public health, safety, the environment or the maintenance of the law;
- criminal offending;
- gross negligence or mismanagement by public officials; and
- can relate to past or current activity.

You will be protected in making a disclosure if:

- it is about serious wrongdoing in or by your organisation;
- you believe the information is true or is likely to be true;
- you want the serious wrongdoing to be investigated; and
- you want your disclosure to be protected; and
- you've tried to follow the right procedures.

You will not be protected if:

- you know the information is false;
- you act in bad faith (for example, making a disclosure that you know has no substance); and
- the information is protected by legal professional privilege.

When does the Inspector-General become the “appropriate authority” for a disclosure?

First, make a good faith assessment of whether you could report your concern of serious wrongdoing to someone in your organisation, in accordance with its Protected Disclosure policy.¹

If you honestly believe you cannot, then make it to the IGIS. At this point the IGIS becomes the “appropriate authority”.

You can always come straight to the IGIS at any time to get advice about how this process works.

Who can disclose to the IGIS as appropriate authority?

The IGIS is the only “appropriate authority” for employees, secondees, contractors, volunteers (informants or agents) of the GCSB and NZSIS.

The Inspector-General is also the only “appropriate authority” to receive protected disclosures concerning classified information, or information relating to the activities of an intelligence and security agency.

Note: s 160 of the Intelligence and Security Act 2017 sets out another way to raise concerns. Employees of the GCSB and NZSIS can make a ‘good faith’ disclosure to the IGIS relating to ‘any matter’ the person wishes to bring to the IGIS’ attention. It doesn’t need to be about ‘serious wrongdoing.’ An employee making a disclosure under this section must not be subjected by the intelligence and security agency to any penalty or discriminatory treatment for bringing the matter to the Inspector-General’s attention.

How to make a protected disclosure to the IGIS and what happens after you disclose?

Contact us first, so we can advise you how best to safely and securely make a disclosure.

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.

If there were any recriminations from an agency for making a protected disclosure, we would investigate that.

The process we will follow on receipt of a disclosure will depend upon the circumstances. Generally speaking:

¹ See our Q & A document below for more detail on the requirement to first consider the organisation’s internal disclosure process.

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- We will assess your disclosure as a matter of priority and conduct preliminary inquiries into the matters raised. If we need to clarify anything with you or obtain additional information, we will contact you in an appropriate way.
- If we decide not to investigate your disclosure, we will inform you of this decision. We may consider referring your disclosure to another appropriate authority in some circumstances.
- If we decide to investigate your disclosure, we will need to inform the relevant agency Chief Executive of the nature of the issues raised in the disclosure. Any such correspondence will be carefully drafted to ensure that it does not risk disclosing your identity unless we have agreed otherwise.
- If we can, we will keep you informed about our investigation as well as any conclusion we reach. We will talk to you about how best to communicate with you.

When is a protected disclosure protected?

Your disclosure will be protected where:

- the information you are disclosing relates to serious wrongdoing in or by that organisation;
- you reasonably believe that the information is true or likely to be true;
- you want the matter investigated.

What protections are available when you make a protected disclosure?

- Confidentiality.
- Immunity from civil and criminal proceedings (with the exception of disclosure involving information protected by legal professional privilege).
- The ability to take a personal grievance in the event you are unjustifiably dismissed, or your conditions of employment are detrimentally affected, because you made a protected disclosure.
- The application of the anti-victimisation provisions in the Human Rights Act 1993.

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.

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- By mail: Inspector-General of Intelligence and Security, PO Box 5609, Wellington 6140

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