



Misuse of Information

1. What is work information?

Work information is any information you access, create, receive, or become aware of in the course of your duties, including:

- ▼ physical and electronic documents, files, emails, and records;
- ▼ databases, registers, and spreadsheets;
- ▼ audio, visual, and verbal information obtained through your role; and
- ▼ intellectual property and copyrighted material created or held by government.

Note: Information may remain protected even if it is publicly available, already known to you, or could be accessed outside work. Your workplace role determines how you may lawfully use it.

2. Why must work information be protected?

All work information must be handled carefully because:

- ▼ It is not always clear whether information is sensitive or critical
- ▼ Information is collected for legitimate government purposes
- ▼ The community expects government to safeguard information it holds
- ▼ Government information is public property and must be protected like any other public resource.

Even information that appears trivial can cause harm if misused or disclosed improperly.

3. What are my legal and professional obligations?

Your obligations arise from multiple sources, including:

Employment and conduct obligations

- ▼ *State Service Act 2000* (Tas) – Code of Conduct (s9) requires confidentiality, proper use of information and resources, avoidance of conflicts of interest, and lawful behaviour
- ▼ Your agency's Code of Conduct, policies and procedures
- ▼ Your employment contract, including confidentiality clauses that may continue after employment ends.

Criminal and integrity laws

- ▼ *Criminal Code Act 1924* (Tas) – offences relating to disclosure of official secrets and unauthorized use of information
- ▼ *Police Offences Act 1935* (Tas) – offences relating to unauthorized access to computers or systems
- ▼ *Integrity Commission Act 2009* (Tas) – misuse of information may constitute misconduct.

Privacy and information laws

- ▼ *Personal Information Protection Act 2004* (Tas) – regulates the collection, use, storage and disclosure of personal information
 - ▼ *Right to Information Act 2009* (Tas) – governs lawful access and release of government information
 - ▼ *Archives Act 1983* (Tas) – governs recordkeeping and disposal obligations.
- As a public employee, you need to handle information with care, diligence and integrity at all times.

4. What if I access information for work and it unexpectedly benefits me personally?

If you accessed the information for a legitimate work purpose, you are unlikely to have committed misconduct. However, the situation should be managed transparently. Early disclosure is key. You should:

- ▼ Notify your supervisor as soon as possible, explain why you accessed the information and the personal benefit that arose. This protects you from later allegations
- ▼ Declare any conflict of interest so that it can be appropriately managed.

5. Is misuse of information treated seriously?

Yes. The consequences depend on:

- ▼ the type of information
- ▼ the seriousness of the misuse
- ▼ whether there is a pattern of behaviour.

Possible outcomes include:

- ▼ counselling or reassignment
- ▼ disciplinary action
- ▼ termination of employment
- ▼ fines or criminal prosecution.

Misconduct findings can arise even where the behaviour seems minor (for example, accessing records “out of curiosity”).

6. Do my obligations continue after I leave the public sector?

Often, yes. While you will no longer have system access, you may still hold confidential knowledge. Your employment contract, confidentiality clauses, or non-disclosure agreements may continue to apply.

Best practice: Treat all information gained through your employment as confidential unless you are clearly authorised to disclose it.

7. If misuse of information enables other misconduct, are both dealt with?

Yes. Each breach is assessed separately. For example, misuse of information that facilitates bullying, fraud, or theft may result in multiple findings of misconduct, all of which can attract sanctions.

8. What if I accidentally access information I shouldn't?

Accidental access is unlikely to be treated as misconduct if:

- ▼ it occurred unintentionally
- ▼ you report it immediately
- ▼ you take no further action with the information

Notify your supervisor straight away so appropriate steps can be taken. Reporting system weakness helps prevent future breaches.

9. What if I accidentally lose work information?

Misuse may arise from the loss itself, but from carelessness or negligence that led to it. Lost or unsecured information can create the same risks as unauthorised disclosure, including harm to individuals and damage to public trust. Poor information handling may therefore amount to misconduct.

10. Who should I talk to if I have concerns or questions?

- ▼ Your supervisor
- ▼ Human Resources, for advice on conduct obligations.

If you are uncomfortable raising the issue internally, or believe it is not being handled appropriately, you may contact the Integrity Commission.



The Commission can help

We are available to provide support and assistance with identifying, reporting, investigating, managing and preventing misconduct: contact@integrity.tas.gov.au or 1300 720 289.