

The Public Interest Disclosure Act (PIDA) Designated Officer's Toolkit

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Introduction

Subsection 6(1) of *The Public Interest Disclosure Act* (the Act) requires that “every permanent head of a government institution shall establish procedures to manage disclosures by employees of the government institution for which the permanent head is responsible.”

This toolkit has been designed to help manage the receipt and handling of inquiries, requests for advice and disclosures within government institutions. It is intended for the use by designated officers. Handling of disclosures includes the review of disclosures received and a subsequent investigation of a disclosure, if required. Use of procedures provided in this document requires a familiarity with, and an understanding of the Act and should not be used without referring to the Act as appropriate.

Overview of the Act

Purpose of the Act

The Public Interest Disclosure Act (the Act) provides a process for employees of government institutions to make disclosures of wrongdoing without fear of reprisal.

Application of the Act

The Act applies to:

Employees of Executive government, CIC Crowns, Treasury Board Crowns, the Saskatchewan Health Authority, the Saskatchewan Cancer Society, and a number of other government institutions set out in the Appendix to *The Freedom of Information and Protection of Privacy Regulations*.

The Act does not apply to:

- A person who is not an employee of a government institution at the time of making the disclosure;
- A corporation the share capital of which is owned in whole or in part by a person other than the Government of Saskatchewan or an agency of it;
- The Legislative Assembly Service or offices of members of the Assembly or members of the Executive Council; or
- The Court of Appeal, the Court of Queen's Bench or the Provincial Court of Saskatchewan.

(section 2)

Wrongdoings

The wrongdoings to which the Act applies are set out in section 3, as follows:

- A contravention of a federal or provincial Act or regulation;
- An act or omission that creates:
 - A substantial and specific danger to life, health or safety of persons, not including a danger inherent to the employee's job;
 - A substantial and specific danger to the environment;
- Gross mismanagement of public funds or a public asset; or
- Knowingly directing or counseling a person to commit any of the above.

(section 3)

Reprisals

A reprisal means any of the following measures taken against an employee because the employee has, in good faith, sought advice about making a disclosure, made a disclosure, co-operated in an investigation pursuant to the Act or declined to participate in suspected wrongdoing:

- A dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work or reprimand;
- Any measures, other than the ones mentioned above that adversely affect the employee's employment or working conditions;
- A threat to take any of the measures mentioned above.

[clause 2(1)(j) and section 36]

Employees may seek advice

An employee who is considering making a disclosure may seek advice from their designated officer or the Public Interest Disclosure Commissioner (the Commissioner). **(section 9)**

Offences and penalties under the Act

It is an offence under the Act:

- To take a reprisal against an employee or direct that one be taken against an employee because the employee has, in good faith, sought advice about making a disclosure, made a disclosure, co-operated in an investigation under the Act, or declined to participate in a wrongdoing; **(section 36)**
- For any person to knowingly make a false or misleading statement, orally or in writing, to a designated officer, a permanent head, the Commissioner or to a person acting on their behalf or under their direction, in seeking advice, making a disclosure or during an investigation; **(section 37)**
- For any person to willfully obstruct a designated officer, a permanent head, the Commissioner or a person acting on their behalf or under their direction, in the performance of a duty under the Act; **(section 38)**
- For any person to:
 - Destroy, mutilate or alter a document or thing, falsify a document or make a false document, conceal a document or thing if the person knows that the document or thing is likely to be relevant to an investigation under the Act.
 - Direct, counsel or cause the destruction, mutilation, alteration, falsification or concealment of a document or thing knowing that the document or thing is likely to be relevant to an investigation under the Act. **(section 39)**

A person who contravenes any of the above provisions is guilty of an offence and is liable on summary conviction to a fine of not more than \$10,000. **(section 40)**

A prosecution under the Act may be commenced not more than two years after the day the alleged offence was committed. **(section 41)**

Immunity

No action or proceeding may be brought against a person acting pursuant to the authority of the Act or the regulations, for anything done or not done in the performance of a duty or in the exercise (or intended exercise) of a power under the Act, if the person was acting in good faith.

(section 42)

Disclosure Management Practices

Procedural fairness

If an investigation of a disclosure is required, the investigation must be conducted in accordance with the principles of procedural fairness and natural justice. For example, the alleged wrongdoer has a right to know the nature of the disclosure, to receive relevant information as required, and to be given an opportunity to respond to the disclosure.

[clause 6(2)(c)]

Confidentiality

The identity of the persons involved in the disclosure process, including employees who make a disclosure or seek advice, witnesses and persons who are alleged to be responsible for a wrongdoing, must be protected.

Information that comes to an employee's attention or knowledge through the performance of their duties under the Act must be protected and must not be disclosed except as required under this or another Act.

[subsection 6(2) of the Act; section 8 of *The Public Interest Disclosure (PID) Regulations*; other legislation/policy]

Good faith

A designated officer has an obligation to act in good faith. Good faith means to act objectively and in a manner that is not biased, arbitrary or discriminatory in handling disclosures in accordance with the Act and procedures.

[clause 6(2)(c)]

Objectivity

The designated officer must remove themselves from the process if a conflict of interest exists.

[clause 6(2)(c)]

Safeguarding disclosure information and disclosure files

- Each disclosure must be maintained in a separate, secured file, must be treated as strictly confidential, and must be protected from unauthorized access.
- All written information obtained as a result of the receipt of the disclosure, review of the disclosure, or the investigation of the alleged wrongdoing must be included in the disclosure file. All pertinent information obtained verbally must be documented in writing, dated, and placed in the disclosure file.

[subsection 6(2); other legislation/policy]

Disclosure/advice tracking system

When the designated officer creates an electronic or paper record (e.g. a log) to track disclosures and/or requests for advice under the Act, care must be taken to handle the record with due regard to confidentiality requirements and protection of identity under the Act. The record must be treated as strictly confidential, maintained in a secure manner and location, and protected from unauthorized access.

[subsection 6(2); other legislation/policy]

Records Management

Records collected and created by government institutions in relation to the administration of the Act will be subject to the records retention and classification requirements developed and approved in accordance with *The Archives and Public Records Management Act*.

(*The Archives and Public Records Management Act*)

Withdrawal of disclosure

Once a disclosure is filed with the designated officer, it cannot be withdrawn.

[relates to subsection 5(2)]

Continuation of responsibilities where disclosure is not a wrongdoing under the Act

As a result of an employee seeking advice or the receipt, review or investigation of a disclosure, the designated officer may become aware of a situation that is not a wrongdoing under the Act, but requires attention by the government institution.

In such situations, designated officers must recognize they have a responsibility to take appropriate action to see that matters that come to their attention get addressed. This responsibility may arise under another Act, regulation or policy, or may be the result of general management or public service responsibility.

(other legislation/policy/duties)

Cooperation with Commissioner

Where, under section 10 of the Act, an employee of a government institution makes a disclosure of alleged wrongdoing to the Commissioner, the handling of the disclosure will be guided by Part IV of the Act. **(sections 15-22)**

Under section 15, the Commissioner may take steps to help resolve the matter within the government institution (such as mediation), rather than investigating the disclosure. **(section 15)**

All employees and designated officers of a government institution must cooperate fully with the Commissioner in the handling of a disclosure or information under the Act. **(sections 36-39 and via section 18; sections 25 and 26 of *The Ombudsman Act, 2012*)**

Resources for designated officers

The designated officer may:

- Seek advice from the Public Service Commission (and the Public Service Commission's legal counsel), their permanent head, Human Resources, or the Commissioner depending on the nature of the advice required;
- Seek legal advice on the handling of a disclosure from their government institution's legal counsel;
- Utilize specialized assistance (e.g. Internal Audit; Labour Relations) depending on the nature of the assistance required or referral to an appropriate agency (e.g. law enforcement) to conduct an investigation.

(section 6)

Procedures for Receiving Disclosures

Receiving disclosures

Under section 11 of the Act disclosures must be made on the prescribed form and must include the following information:

- A description of the wrongdoing;
- The name of the person(s) alleged to have committed the wrongdoing or be about to commit the wrongdoing;
- The date of the alleged wrongdoing;

Upon receipt each disclosure must be date stamped.

(sections 6 and 11 of the Act; Appendix of *The PID Regulations*)

Discussions with disclosing employee

If the disclosure has been made directly to the designated officer, he or she must arrange to privately discuss the disclosure with the disclosing employee **within 20 days of receiving the disclosure.**

The designated officer must determine how the disclosing employee wishes to receive communication about the disclosure and respect the wishes of the employee. All pertinent verbal communication must be documented in writing, dated and kept in the disclosure file. All received communication shall be date stamped.

The designated officer should ask the disclosing employee about other avenues for complaint that they have used.

The designated officer must advise the disclosing employee that information related to the disclosure, including their identity, will be protected and kept confidential to the fullest extent possible subject to any other Act (e.g. *The Freedom of Information and Protection of Privacy Act*) and principles of procedural fairness and natural justice. For example, the employee's name will not be disclosed unless it is a necessary fact in resolving the disclosure. Nonetheless, it is possible the identity of the employee who disclosed may become known by virtue of the facts of the disclosure he or she made.

The designated officer must advise the disclosing employee that he or she also has a responsibility to protect information related to the disclosure, including protecting the identity of persons involved in the disclosure process.

This meeting should also include a discussion about the disclosure to ensure the designated officer understands the full extent of the complaint. This meeting is also an opportunity for the designated officer to ask questions and gain clarity on any issues, as needed.

(section 6)

Reviewing Disclosures

The designated officer shall review the disclosure to determine if the matter if proven to be true would be a wrongdoing as defined in the Act and to determine the appropriate action to be taken, if any. Every effort should be made to complete this review within **40 days from the initial receipt of the disclosure.**

The disclosure must be reviewed against the following criteria:

Appropriate government institution?

Determine if the disclosure pertains to a matter within the employee's government institution.

[subsection 5(2)]

If the disclosure pertains to a matter in a different government institution or would more appropriately be dealt with by another government institution, the designated officer has the authority to refer the disclosure to the designated officer of that government institution for review and handling. **[subsection 5(2) and section 6]**

When making the referral, the designated officer must advise the disclosing employee. **(section 6)**

(See sample templates of the Referral of Disclosure to Another Designated Officer and the Notice to Disclosing Employee)

Conflict of interest?

The designated officer must review the disclosure to ensure it does not represent a conflict for the designated officer or the permanent head. **[clause 6(2)(c); unbiased decision-maker is a requirement of procedural fairness and natural justice]**

(For example, if the disclosure refers to a matter that involves the designated officer or the permanent head).

The designated officer must remove themselves from disclosures if a conflict of interest exists, either because of the nature of the wrongdoing or because of the persons involved in the disclosure. In such cases, the matter may be referred to the Commissioner. **(section 6)**

(See sample templates of the Referral of Disclosure to the Office of the Public Interest Disclosure Commissioner and the Notice to Disclosing Employee)

Wrongdoing under the Act?

The designated officer must determine if the disclosure falls within the categories of wrongdoing covered by the Act:

- An act or omission that is a contravention of an Act or regulation;
- An act or omission that creates substantial and specific danger to life, health or safety of persons or the environment, but does not include dangers inherent to the employee's job;
- Gross mismanagement of public funds or a public asset;
- Knowingly directing or counseling a person to commit any of the above.

(section 3)

Timeliness

Prosecution for a contravention of PIDA can only be started within two years from the day on which the alleged contravention was committed.

(section 41)

Disclosure made in good faith?

The designated officer must determine if the disclosure was made in good faith.

(section 2)

Processing Disclosures

Where the criteria have not been met (see Reviewing Disclosures)

Where the criteria have not been met, no further action is required under the Act. The file is to be closed and the disclosing employee and the permanent head notified. However, the designated officer must determine whether any other action regarding the subject matter of the disclosure may need to be taken.

[subsection 5(2), section 6]

Where the criteria have been met (see Reviewing Disclosures)?

Where the criteria have been met, determine if an investigation is required or if there is enough information to take immediate action.

[subsection 5(2), section 6]

Notification to permanent head

Unless the disclosure involves the permanent head, the designated officer must notify the permanent head a disclosure has been received, and provide information to the permanent head regarding the nature of the alleged wrongdoing and whether action is to be taken or an investigation conducted. The designated officer must ensure that only as much information is provided as is necessary to convey the nature of the allegation, recognizing the permanent head's responsibility for the administration of the government institution.

(section 6)

Notification to the employee making the disclosure

The disclosing employee is to be informed of the outcome of the review and the action to be taken, for example, whether the matter will be investigated or not.

(section 6)

Immediate action

If the situation requires immediate action to be taken:

- Identify options as to what corrective action needs to be taken and make a recommendation to the permanent head;
- Permanent head determines appropriate action and advises the designated officer what action will be taken;
- Designated officer advises the disclosing employee and the alleged wrongdoer (if appropriate).

Investigation

If an investigation is required:

- See Investigating Disclosures below.

[subsection 5(2) and sections 6]

Investigating Disclosures

Responsibility

Investigations must be managed by the designated officer, with appropriate assistance (expertise), depending on the nature of the disclosure. This responsibility cannot be delegated.

[subsection 5(2), section 6 and these procedures]

Procedural fairness

Investigations must be conducted in accordance with the principles of procedural fairness and natural justice. For example, the alleged wrongdoer has the right to know the nature of the disclosure, receive relevant information as required, and to be given an opportunity to reply to the disclosure. Conversely, the alleged wrongdoer may not need to know about the disclosure if it has been determined no wrongdoing has occurred under the Act.

[subsection 6(2); general natural justice requirements]

Notification to interviewees to bring representation/support

When inviting employees to participate in an investigation, the designated officer should inform them that they may bring a person with them to provide support (e.g. union representative for in-scope employees). It should be made clear that this person is not there to speak on behalf of the employee being interviewed.

Assistance

Managing the investigation may involve engaging specialized assistance (e.g. Internal Audit), to conduct the investigation on the designated officer's behalf.

The matter can be referred to the police at any point during or after the investigation. The designated officer determines whether the investigation under the Act will be put in abeyance until the police investigation is complete or continue with their investigation simultaneously.

(section 6)

Confidentiality

Subject to the principle of procedural fairness, the designated officer must ensure the confidentiality of the information collected and must protect the identity of the persons involved in the disclosure process, including the disclosing employee, any witnesses and the alleged wrongdoer, to the fullest extent possible. **[subsection 6(2) of the Act; section 8 of *The PID Regulations*; other legislation/policy]**

Identifying information of anyone involved shall not be disclosed unless it is necessary to conduct the investigation. **[section 6 of the Act; section 8 of *The PID Regulations*; other legislation/policy]**

If outside specialized expertise is retained by the designated officer to assist in the investigation (e.g. specialized investigators or forensic auditors), care must be taken to handle all correspondence to or from any expert, including billings for these services, with due regard to confidentiality requirements and protection of identity under the Act. **(section 6; other legislation/policy)**

Time limits

The period of time in which to conduct and complete an investigation is determined by the permanent head and the designated officer. In all cases, investigations should be completed in a reasonable amount of time.

(section 6)

Documentation

All documentation related to the investigation, including interview notes, must be included in the disclosure file.

(section 6)

Notification to the alleged wrongdoer

The designated officer can notify the alleged wrongdoer at a time appropriate to the situation, if at all. The alleged wrongdoer may be informed of the nature of the disclosure and provided relevant information, as required. The designated officer should exercise due diligence and discretion when providing such information.

(section 6; general natural justice)

Ending the investigation

The designated officer may cease to investigate at any time on or after the point where he or she is able to make a determination that a wrongdoing has or has not occurred.

Investigation report

Investigation reports should contain the following:

- A summary of the disclosure;
- Background of the incident, including a chronology of events;
- A description of the investigative process;
- A summary of the interviews held (employee who disclosed, alleged wrongdoer, witnesses);
- Relevant documents;
- Findings of the investigation;
- Conclusion;
- Recommended course of action.

[subsection 5(2), section 6]

Conclusions and recommendations

Within 30 days of the completion of the investigation, the designated officer will prepare and deliver a report to the permanent head of the government institution that sets out:

- The designated officer's opinion and reasons for that opinion; and
- Any recommendations the designated officer considers appropriate respecting the disclosure and the wrongdoing.

(Note: If the investigation results in a finding of wrongdoing, the disclosure file must include recommendations for corrective actions to be taken in relation to the wrongdoing).

[subsection 5(2); section 6]

Communication of outcome

The designated officer will notify the employee who made the disclosure that a report has been made and provide the employee with any information respecting the report that the designated officer considers appropriate in the circumstances.

Depending on the outcome of the investigation, the designated officer may or may not notify the alleged wrongdoer of the investigation and/or outcome of the investigation. Should the designated officer determine that notification is appropriate, he or she will provide the alleged wrongdoer with any information respecting the report that the designated officer considers appropriate in the circumstances.

If the subject-matter of a disclosure that was being investigated involved the permanent head, the designated officer

will also give a copy of the report to the Deputy Minister to the Premier.

If the subject-matter of the disclosure that was being investigated involves the permanent head of a subsidiary Crown corporation as defined in *The Crown Corporations Act, 1993*, the designated officer will also give a copy of the report to the chairperson of the subsidiary Crown corporation's board of directors.

If the subject-matter of the disclosure that was being investigated involves the Deputy Minister to the Premier, the designated officer will also give a copy of the report to the Premier.

(section 6)

Follow-up of recommendations

Clause 6(1)(g) says that the permanent head must establish procedures for the enforcement and follow-up of any disciplinary action or corrective action taken or directed pursuant to the Act.

If the designated officer makes a recommendation, the designated officer may request the permanent head to notify the designated officer of the steps the government institution has taken or proposes to take to give effect to the recommendations.

(section 6)

Annual Reporting of Disclosures – Designated Officer

Procedure

The designated officer must ensure there is a mechanism in place to track disclosures of alleged wrongdoing that have been made, for annual reporting purposes.

(section 6)

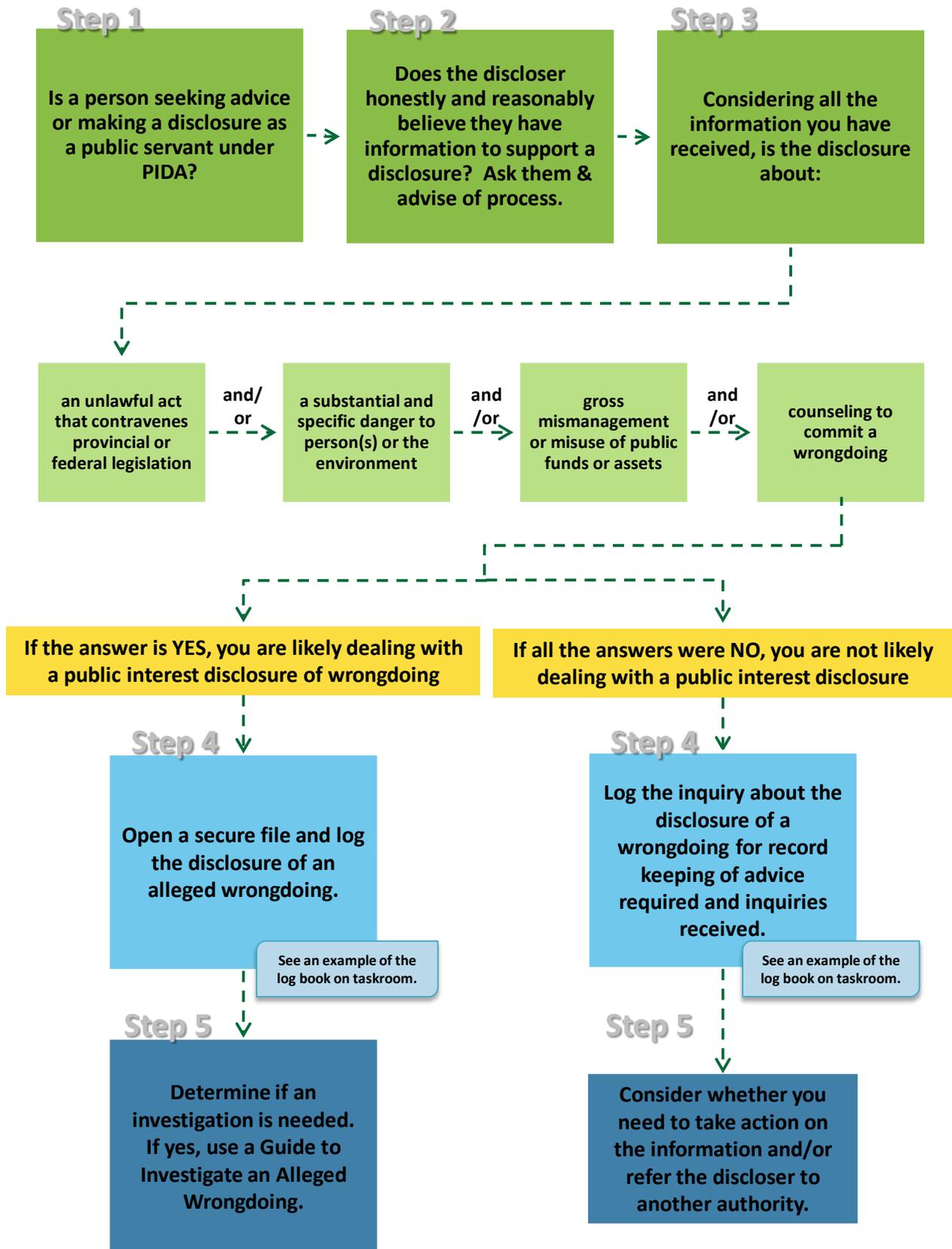
The Public Service Commission prepares and tables the report

Under subsection 26(3) of the Act, the Annual Report must include the following information:

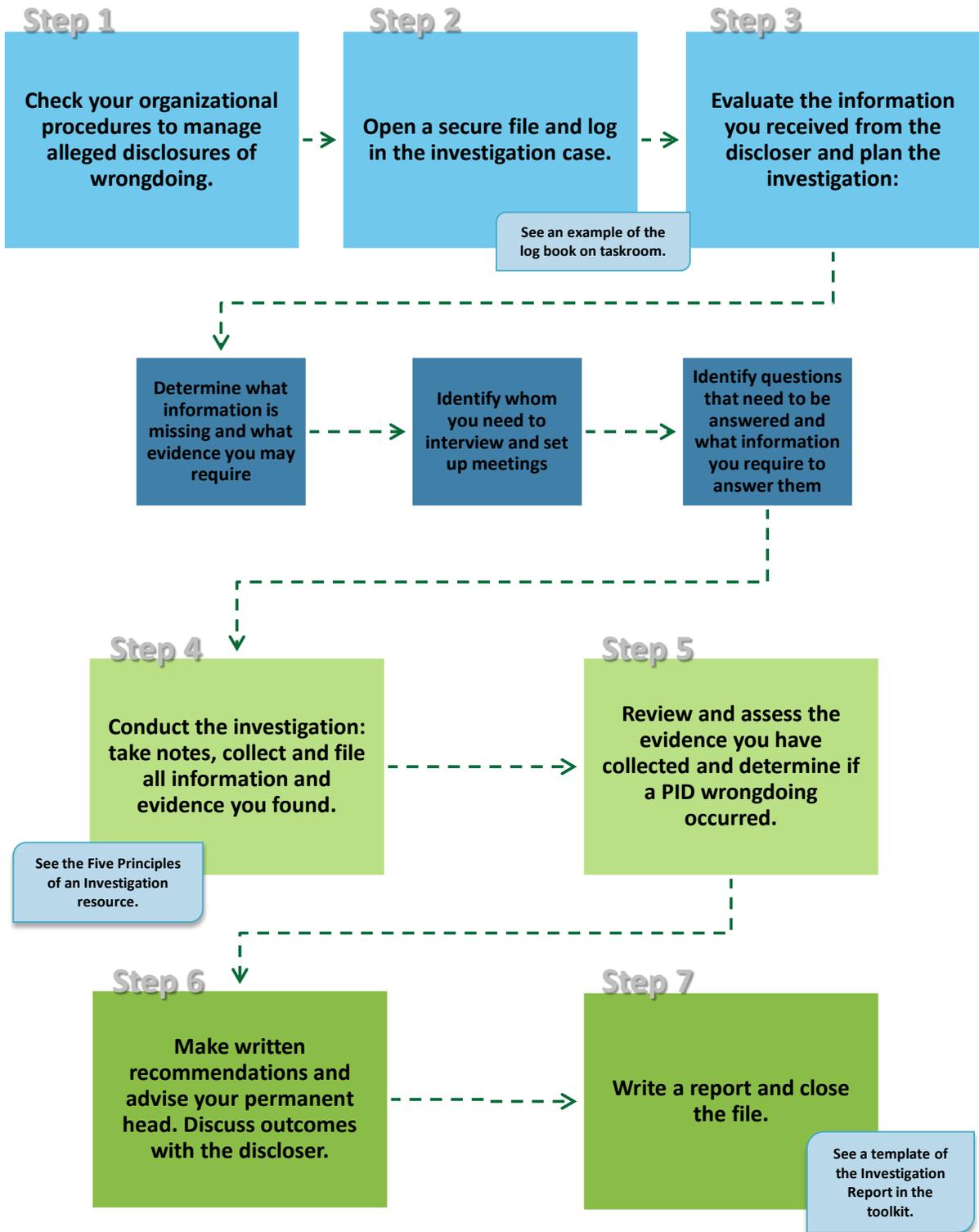
- The number of disclosures received:
 - All disclosures made to the designated officer under subsection 10(1)(a), in accordance with the requirements under subsection 11(1), must be counted as a disclosure received;
- The number of disclosures acted on and not acted on:
 - The designated officer must determine if the disclosure was made in good faith (section 2(c)); falls within the categories of wrongdoing covered by the Act (section 3), keeping in mind if the employee has a reasonable belief that the information could show that a wrongdoing has been committed or is about to be committed or that could show that the employee has been asked to commit a wrongdoing (section 10(1)). Based on this determination, the designated officer must categorize the disclosures as those acted upon and not acted upon. Disclosures not acted on will include those disclosures that do not meet the foregoing considerations;
- The number of investigations commenced as a result of a disclosure;
- If an investigation results in a finding of wrongdoing, a description of the wrongdoing and any recommendations or corrective actions taken, or the reasons why no corrective action was taken.

The PSC will also collect various statistics, such as a number of inquiries, that may or may not be reported in the Annual Report. **(section 26)**

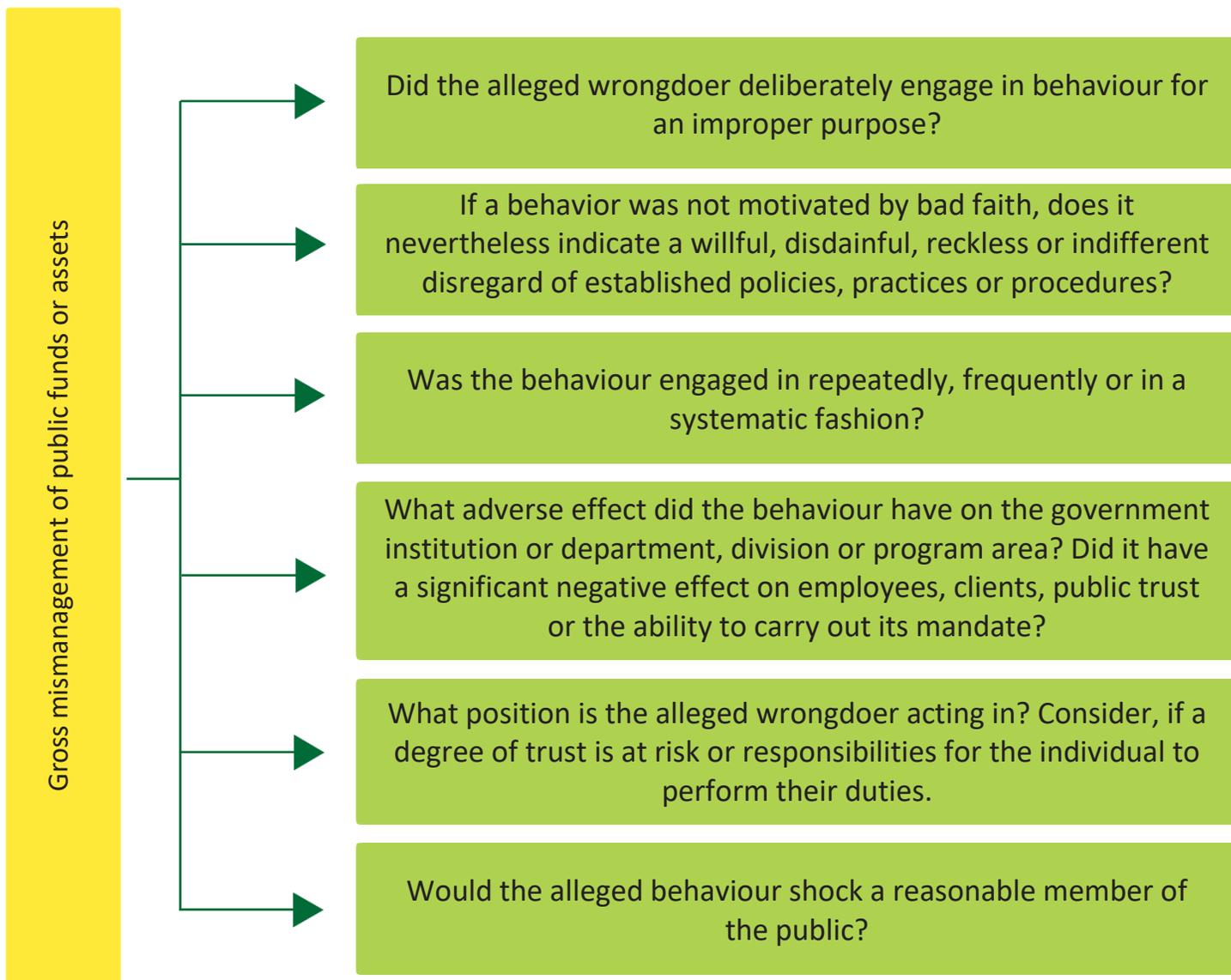
A 5-Step Guide to Assess a Disclosure



A Guide to Investigate an Alleged Wrongdoing



Considerations when determining if gross mismanagement of public funds or assets may have taken place



Five Principles of an Investigation

1 Maintain confidentiality

Ensure all information is filed in a secure and private location. Do not share information regarding the disclosure with anyone in your organization, unless they have a pertinent need to know. Individuals, you need to share information with, may be defined explicitly within your organization by developing your section 6 procedures. See suggested procedures in the toolkit.

2 Stay impartial

Investigators are impartial bodies between the discloser and the alleged wrongdoing committer. Your role shall maintain an unbiased approach in order to conduct a fair investigation. This may be challenging considering those involved in the investigation may be emotional about information they are sharing. Do your best to respect all parties position while keeping an open viewpoint during the course of the investigation.

4 Ask for assistance

In some cases, a third party is needed to make the appropriate decision. When in doubt, ask. You can reach out to PSC's PID Officer or the Commissioner to assist in making your decision. Remember to maintain anonymity of the individuals involved by sharing the necessary information to build context while removing personal details.

3 Follow procedural fairness

Resolving disputes or conflicts is not easy. As a designated officer, maintain transparency and follow due process. Allow all parties to be heard before making a decision in your investigation. Revert back to step 3, point 3 in the Guide to Investigate an Alleged Wrongdoing. Ensure you have not missed necessary information to make your decision.

5 Communicate

Ensure you have various means to communicate with both the discloser and alleged wrongdoer, as well as your permanent head. Use e-mail, phone, text, in person communication, whatever works best for you, while remaining open to the needs of others.

Template - Investigation Report

Investigation Report <Organization>

<Disclosure Number>
<Title>

Summary

<Include a brief description of the disclosure brought forward, the basic conclusion(s) and recommendation(s).>

Introduction

<Provide a thorough analysis on the disclosure brought forward and the key elements that led you to conclude that a formal investigation was warranted.>

Interview Questions

<Provide information that identifies what you discussed with the discloser, as well as, the alleged wrongdoer.>

Interviews

<Discloser>
<Alleged Wrongdoer>
<Other Parties>

<This may be the same or most of the same information as the introduction; however, you can add additional interviews, an outline of evidence provided or other material provided by the discloser that may assist in finding your decision in the investigation.>

Current Authorities, Policy and Processes

<This section allows you to factor in legislative authorities that exist and do not allow particular incidents from taking place. These may be direct citations from the PIDA Act or other additional Acts of significance.>

Analysis of the Investigation by the PIDA Designated Officer

<This section provides the high level basis in which you analyzed and assessed the information provided to you. You may begin to draw your thoughts and considerations of each element and what the positive or negative outcome of each element would be considered in your expert opinion. >

Conclusions and Prevailing Concerns

<This section provides a final snap shot of your analysis. You may begin to draw a conclusion on the analysis and elements reviewed to come to the final outcome. You may also note significant concerns revealed throughout the duration of the investigation that may remain following the investigation.>

Corrective Action Recommendations

<This section offers the final outline of the designated officer's recommendations. Recommendations may be directed at permanent heads responsible for the organization specifically, as they have the ultimate decision on final corrective actions. They may also be directed at the alleged wrongdoer, human resources (enforcement or follow-up of any disciplinary action or corrective action taken or directed pursuant to the Act) or the Commissioner. Subsequently, the designated officer may also recommend particulars that the permanent head and the Commissioner would best be suited to consult over.>

CONFIDENTIAL

Referral of Disclosure to Another Designated Officer

Purpose: If the designated officer determines the disclosure would more appropriately be dealt with by another government institution, the designated officer has the authority to refer the matter to that government institution for review and handling.

The designated officer must protect the identity of the disclosing employee and the letter must be transmitted in a confidential manner.

Personal and Confidential (VIA COURIER)

[Date]

[Designated Officer's Name and Address]

Dear [Designated Officer's Name]:

Re: Referral of Disclosure to Another Designated Officer

On [date], I received the attached disclosure pursuant to *The Public Interest Disclosure Act*. As the disclosure would more appropriately be dealt with by [name of government institution], I am referring the disclosure to you as the designated officer for that organization. The disclosing employee will receive notice of this referral.

Please contact me at [telephone number] if you have any questions regarding the referral of this disclosure.

Sincerely,

[Name]

Designated Officer

Attachment

Note: Copy of this letter to be sent to the disclosing employee if the employee has agreed to receiving communication in writing.

Notice to Disclosing Employee of Referral of Disclosure to Another Designated Officer

Purpose: If the designated officer determines the disclosure would more appropriately be dealt with by another government institution, the designated officer has the authority to refer the matter to that government institution for review and handling.

A letter is only to be sent to the disclosing employee if the employee has agreed to receiving communication in writing. The designated officer must protect the identity of the disclosing employee and the letter must be transmitted in a confidential manner.

Personal and Confidential (VIA COURIER)

[Date]

[Disclosing Employee's Name and Address]:

Dear [Disclosing Employee's Name]:

Re: Notice of Referral of Disclosure to Another Designated Officer

On [date], I received your disclosure pursuant to *The Public Interest Disclosure Act*. As the disclosure would more appropriately be dealt with by [name of government institution], this letter is to advise you that your disclosure has been referred to [name of designated officer], the designated officer for [name of government institution], for review and handling. [Name of designated officer] may be reached at [contact information for designated officer]

If you have any questions, please call me at [telephone number].

Sincerely,

[Name]

Designated Officer

Referral of Disclosure to the Office of the Public Interest Disclosure Commissioner

Purpose: If it would be inappropriate for the designated officer to review a disclosure, either because of the nature of the alleged wrongdoing or because of the persons involved in the disclosure, the designated officer has the authority to refer the disclosure to the Office of the Public Interest Disclosure Commissioner for review and handling.

The designated officer must protect the identity of the disclosing employee and the letter must be transmitted in a confidential manner.

Personal and Confidential (VIA COURIER)

[Date]

[Name of Commissioner]

Commissioner

[Address]:

Dear [Name of Commissioner]:

Re: Referral of Disclosure to the Office of the Public Interest Disclosure Commissioner

On [date], I received the attached disclosure pursuant to *The Public Interest Disclosure Act*. I believe that due to the nature of the matter disclosed to me, it would be inappropriate for me to review the disclosure. I am referring this disclosure to your office for review and handling. The disclosing employee was advised of this referral by letter dated XXXXX (or verbally on XXXXX).

Please contact me at [telephone number] if you have any questions regarding the referral of this disclosure.

Sincerely,

[Name]

Designated Officer

Attachment

Note: Copy of this letter to be sent to the disclosing employee if the employee has agreed to receiving communication in writing.

Notice to Disclosing Employee of Referral of Disclosure to the Office of the Public Interest Disclosure Commissioner

Purpose: If it would be inappropriate for the designated officer to review a disclosure, either because of the nature of the alleged wrongdoing or because of the persons involved in the disclosure, the designated officer has the authority to refer the disclosure to the Office of the Public Interest Disclosure Commissioner for review and handling.

A letter is only to be sent to the disclosing employee if the employee has agreed to receiving communication in writing. The designated officer must protect the identity of the disclosing employee and the letter must be transmitted in a confidential manner.

Personal and Confidential (VIA COURIER)

[Date]

[Disclosing Employee's Name and Address]:

Dear [Disclosing Employee's Name]:

Re: Notice of Referral of Disclosure to the Office of the Public Interest Disclosure Commissioner

On [date], I received your disclosure pursuant to *The Public Interest Disclosure Act*. This is to advise you that, due to the nature of the matter you have disclosed, your disclosure will be referred to the Office of the Public Interest Disclosure Commissioner for review and handling. The Commissioner may be reached at [Commissioner's contact information].

If you have any questions, please call me at [telephone number].

Sincerely,

[Name]

Designated Officer