
Part 10 Miscellaneous provisions

Division 1 Provisions about information disclosure

Subdivision 1 Information disclosure generally

10.1 Improper disclosure of information

(1) Any officer or staff member or person who has been an officer or a staff member who, except for the purposes of the police service, discloses information that—

- (a) has come to the knowledge of, or has been confirmed by, the officer or staff member or person through exercise, performance or use of any power, authority, duty or access had by the officer or staff member or person because of employment in the service; or
- (b) has come to the knowledge of the officer or staff member or person because of employment in the service;

commits an offence against this Act, unless—

- (c) the disclosure is authorised or permitted under this or another Act; or
- (d) the information is about a person offered an opportunity to attend a drug diversion assessment program under the *Police Powers and Responsibilities Act 2000*, section 379 and the disclosure is made to the chief executive of the department within which the *Health Act 1937* is administered; or
- (e) the disclosure is made under due process of law; or
- (f) the information is not of a confidential or privileged nature; or

- (g) the information would normally be made available to any member of the public on request.

Maximum penalty—100 penalty units.

- (2) In prosecution proceedings for an offence defined in subsection (1), it is irrelevant that information of the nature of that disclosed had also come to the defendant's knowledge otherwise than in a manner prescribed by subsection (1).

10.2 Authorisation of disclosure

- (1) The commissioner may, in writing, authorise disclosure of information that is in the possession of the police service.
- (2) Subsection (1) does not apply if section 5A.20(4), 5A.21A(5), 5AA.14(3), 10.2A, 10.2B, 10.2C or 10.2D, or a provision of division 1AA, applies to the information.
- (3) Authorisation under subsection (1) must accord with any regulations made in relation to disclosure of such information, and any such authorisation is to be taken as authorising disclosure in accordance with any such regulations.
- (4) Also, subject to any regulation made under subsection (3), the commissioner may impose conditions on the disclosure of information under this section.
- (5) A person to whom the information is disclosed must not contravene a condition imposed under subsection (4).

Maximum penalty—40 penalty units.

- (6) Neither the Crown nor any person incurs any liability in law on account of a disclosure of information made under and in accordance with the commissioner's authorisation.