

Intake and Assessment Corrupt Conduct Assessment

In accordance with the directions issued by the Crime and Corruption Commission to the Department of Education (the department) pursuant to section 40 of the *Crime and Corruption Act 2001* (the Act), please find below details in relation to allegation/s which the department reasonably suspects involves or may involve corrupt conduct within the meaning of section 15 of the Act. This information has been assessed as a Level 1 and the department is notifying you pursuant to section 38 of the Act.

Subject Officer	Name: [REDACTED] Date of Birth: [REDACTED] Position: [REDACTED] Location: [REDACTED]
Complainant	Name: [REDACTED] Position: [REDACTED] Location: [REDACTED]
Aggrieved Party/Parties	N/A
Précis of complaint	<p>On 23 May 2019, Intake and Assessment (I&A) received information concerning allegations [REDACTED] [REDACTED] inappropriately accessed a departmental database to view details of a complaint relating to her personal conduct (referred 24 May 2019, CCC ref: [REDACTED]).</p> <p>On 16 July 2019, during the department's management of this matter, additional concerns were received alleging [REDACTED] engaged in further inappropriate conduct, whereby she again accessed records pertaining to the complaints against her, despite having been advised not to as part of her ongoing discipline process.</p> <p>The additional concerns were reported by [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] alleged:</p> <ul style="list-style-type: none"> o During a discussion on 15 July 2019, [REDACTED] [REDACTED] 'commented that she felt [the discipline process] wouldn't be resolved quickly and that she was waiting for her lawyer to respond. Additionally she seemed confused by the issue as she had advised [REDACTED] that she had accessed the file'. o [REDACTED] 'advised that her lawyer had requested she check her investigation file in TRIM to ascertain if she could still see the file'. o [REDACTED] 'confirmed to me that the file was visible to her, however she had not opened the file'. o [REDACTED] 'commented that the file was visible to others – she provided a number of people who could see it – I don't recall the exact number, and that this was not good from a privacy perspective'.



	<p>This conduct, if proven, would amount to corrupt conduct and a breach of the Code of Conduct for the Queensland Public Service and the department's Standard of Practice.</p>
<p>Activity type and subtype</p>	<p>Activity type: Information control and management Activity subtype: Information control and management</p>
<p>Corrupt Conduct Criteria</p>	<p>Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that:</p> <p>s15(1)(a) – adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of:</p> <ul style="list-style-type: none"> (i) a unit of public administration; or – Yes (ii) a person holding an appointment. – Yes <p>Justification [REDACTED] is a departmental employee and, as such, she holds an appointment of public administration within a unit of public administration. [REDACTED] alleged conduct could adversely affect the performance of her functions or exercise of her powers by impacting on the public's confidence in appropriate management and use of information.</p> <p>s15(1)(b) – results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that:</p> <ul style="list-style-type: none"> (i) is not honest or is not impartial; or – Yes (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or – Yes (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment. – Yes <p>Justification: [REDACTED] holds a trusted and sensitive role with the department, in which she is expected to only access information that is necessary for her to properly discharge the functions of her position. Her duties require 'Super User' access, which is granted to her on the proviso she does not misuse her ability to access information at a higher level. Her access to information is required to be undertaken with proper authorisation, for legitimate business purposes and in compliance with her confidentiality obligations. As such, [REDACTED] alleged conduct of accessing information in a manner which contradicts the expectations of her role is considered dishonest, a breach of trust and a misuse of information.</p> <p>s15(1)(c) – would, if proved, be:</p> <ul style="list-style-type: none"> (i) a criminal offence; or – Yes (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment. – Yes <p>Justification: [REDACTED] conduct, if proven, could amount to an offence under s408E of the <i>Criminal Code Act 1899 (Qld) - Computer Hacking and Misuse</i>. In addition, if proven, [REDACTED] conduct would be considered a disciplinary breach, providing reasonable grounds for the termination of her employment.</p>

CCC EXHIBIT

Department of Education

Corrupt Conduct Category Justification	Level: 1 Conduct Type: The matter is one concerning conduct about which the CCC has notified the public official is of a particular interest. Justification: The matter relates to inappropriate access to information, which the CCC have notified the department is of a particular interest to them.
Action taken by Department	The department has referred this matter to the Queensland Police Service for consideration. The matter has been referred to Investigations, Integrity and Employee Relations, for monitoring of any QPS involvement and subsequent consideration of a departmental investigation.
Reference Material Attached	[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]