

Section 271—Confidentiality of information

What is Section 271?

Under the *Work Health and Safety Act 2012 (SA)* (the Act), SafeWork SA Inspectors have certain [functions and powers](#) to undertake their work in addressing WHS incidents, requests for service and other matters requiring intervention. Inspectors operate under the strictest confidentiality in accordance with Section 271 (S271) of the Act.

S271 requires that any person who obtains information or gains access to a document in exercising any power or function under the Act (including Inspectors) must not disclose to anyone else:

- the information; or
- the contents of or information contained in the document
- give access to the document to anyone else • use the information or document for any purpose.

In relation to a request for service, any actions taken by a SafeWork SA Inspector in which they exercise a power or function under the act, including any actions taken with the employer, are not to be disclosed to another party including the requestor. This includes information or documents relating to:

- Specific details of actions taken by an Inspector relating to the exercise of a power or function
- who an Inspector may have spoken to and what they said including the contents of any statements taken
- policies and procedures, employment records, internal employer investigation records gathered as part of an investigation
- any compliance actions taken against an employer by SafeWork SA noting that any Improvement notices issued to an employer must be displayed in the workplace.

The above does not apply to the disclosure of information, or the giving of access to a document or the use of information or a document:

- about a person, with the person's consent; or
- that is necessary for the exercise of a power or function under the Act; or
- that is made or given by the regulator or a person authorised by the regulator if the regulator reasonably believes the disclosure, access or use:
 - is necessary for administering, or monitoring or enforcing compliance with, the Act; or
 - is necessary for the administration or enforcement of another Act prescribed by the regulations; or
 - is necessary for the administration or enforcement of another Act or law, if the disclosure, access or use is necessary to lessen or prevent a serious risk to public health or safety; or
 - is necessary for the recognition of authorisations under a corresponding WHS law; or
 - is required for the exercise of a power or function under a corresponding WHS law; or
- that is required by any court, tribunal, authority or person having lawful authority to require the production of documents or the answering of questions; or

- that is required or authorised under a law; or to a Minister.

Who does S271 apply to?

- SafeWork SA Inspectors
- SafeWork SA Help Centre Advisors
- Any SafeWork SA staff who have access to confidential information

Who does S271 not apply to?

- S271 does not apply to [WHS entry permit holders](#).
- Members of the public e.g those who make a request for service (see below)
- Employers

Personal information

For anyone who makes a request for service to SafeWork SA, Section 271 also requires that we must not intentionally disclose to another person the name of an individual who has made a complaint unless—

- the disclosure is made with the consent of the complainant; or
- the disclosure is required under a law.

The request for service form gives an individual the opportunity to consent to the disclosure of information or to remain anonymous.

What we can disclose in relation to any investigation undertaken relating to a request for service

- general advice that an investigation has concluded, and the file will be processed for closure
- any information that has been made public relating to a SafeWork SA Investigation or Interaction
- information we have permission to release by the person who provided it.

Release of information

To request information from SafeWork SA a [freedom of information](#) request must be made.