

29. Confidentiality

- (1) This section applies to a person who performs any function, or exercises any power, under this Act.
- (2) Any person to whom this section applies must not, directly or indirectly, record, disclose or make use of any information obtained in the course of performing a function or exercising a power under this Act except —
 - (a) for the purpose of performing a function or exercising a power under this Act;
 - (b) as required or allowed by this Act or under another written law;
 - (c) with the written consent of the person, or persons, who provided the information;
 - (d) for the purpose of the investigation of any suspected offence or the conduct of proceedings for any offence; or
 - (e) at the written direction of the Minister, for the purpose of providing information to the general public concerning any conduct or operation of the department or the Minister under this Act.
- (3) Despite subsection (2), a person to whom this section applies must not, in respect of information that would reveal a trade secret or information that has commercial value to the person, or persons, who provided the information —
 - (a) disclose such information publicly; or
 - (b) make any reference to such information, or any characteristic of the information, in a manner likely to reveal the information in any report or statement prepared for the purposes of this Act under the *Financial Administration and Audit Act 1985*,
without the written consent of the person, or persons, who provided the information.
- (4) Section 58C of the *Financial Administration and Audit Act 1985* is not affected by the operation of this section.
Penalty: \$25 000 or 2 years imprisonment, or both.