



Directive on Disclosures: Assessing the Importance of Subject-Matter

Application of Subsection 24(1)(b) of the *Public Servants Disclosure Protection Act*

1 Effective date

This directive takes effect on March 15, 2016.

2 Application

2.1 This directive applies to all employees of the Office of the Public Sector Integrity Commissioner of Canada (the Office).

3 Context

3.1 Discretionary Authority

In accordance with Parliament's intention, the Office was created to investigate cases of significant gravity. This is evidenced by the discretion given to the Commissioner in subsection 24(1)(b) of the Public Servants Disclosure Protection Act (PSDPA), as well as the statutory requirement that founded cases of wrongdoing must be reported directly to Parliament.

Subsection 24(1)(b) of the PSDPA states that: "The Commissioner may refuse to deal with a disclosure or to commence an investigation – and he or she may cease an investigation – if he or she is of the opinion that the subject-matter of the disclosure or the investigation is not sufficiently important".

In determining whether the subject-matter of a disclosure is sufficiently important to warrant an investigation or to continue an investigation, the Commissioner will adopt the position that best reflects the public interest, taking into account the intent of the PSDPA as stated in its Preamble, which is to maintain and enhance public confidence in the integrity of public servants and in public institutions.

4 Directive Statement

4.1 Objective

The objectives of this directive are to:

- Support the decision-making process within the Office by bringing clarity and ensuring consistency in the application of subsection 24(1)(b) of the PSDPA;
- Support the disclosure management function in meeting standards of timeliness while maintaining rigour; and
- Increase transparency around the decision-making process.

4.2 Expected results

The expected results of this directive are:

- The consistent application and documentation of decisions under subsection 24.1(b) of the PSDPA;
- A disclosure management function that is timely, rigorous and accessible; and
- A fair, clear, transparent decision-making process.

5 Requirements

5.1 Not Sufficiently Important

In determining whether to refuse to deal with a disclosure or to cease an investigation on the basis that the subject matter is not sufficiently important, the following criteria may be considered:

- The dollar value;
- The level of authority and function of the alleged wrongdoer;
- Whether it is an isolated incident;
- The potential impact of the alleged wrongdoing; and
- Whether the confidence in the integrity of the public servant in question and his/her employer (organization) is adversely affected.

6 Enquiries

For enquiries related to this directive, contact the Office.

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