

**For discussion on
25 November 2011**

Legislative Council Panel on Security

**Dissemination of Case Information
by the Independent Commission Against Corruption**

PURPOSE

This paper outlines the policy, criteria and procedures adopted by the ICAC in the dissemination of case information to the media and members of the public.

POLICY OBJECTIVE

2. The effectiveness of the ICAC hinges on public support, and the mass media is an effective channel for spreading anti-corruption messages. There is also increasing public demand for greater transparency of the work of the ICAC through the media. It is important that the rights of individuals and the reputation of organisations involved in ICAC investigations be balanced against the interest of the public at large.

3. The objective of the media policy of the ICAC is to meet public demand for a high degree of transparency in its work, while at the same time enhancing its mission in the fight against corruption by -

- (a) deterring the perpetration of corruption and related crimes;
- (b) educating the public as to the dire consequences of corruption;
- (c) preventing the furtherance of similar corruption-related crimes by exposing them;
- (d) enlisting continued public support; and
- (e) projecting the public image of the ICAC as that of an effective and accountable anti-corruption agency.

Criteria

4. In addition to legal considerations, the integrity of ICAC operations is of the utmost importance. Publicity should only be considered when arrests have been made in relation to an operation.

5. In considering publicity for an operation, the following criteria, which are by no means exhaustive, apply –

- (a) serious acts of corruption and related malpractice/offences have been committed;
- (b) an unusual modus operandi is identified;
- (c) widespread corrupt practices are involved;
- (d) public safety/consumer protection issues are involved;
- (e) a warning to the public not to fall victim to the crime/corrupt practice revealed is considered necessary;
- (f) there is a need to appeal to the public for information;
- (g) there is a need to respond to press enquiries when an investigation is exposed prematurely under unforeseen circumstances; and
- (h) a press release is considered necessary to dispel inaccurate and possibly damaging speculation by the press as to the facts of the case or the personalities involved.

6. Subject to countervailing public interest considerations, the following principles apply when information is released to the media -

- (a) The origin of the allegation or complaint should not be specified unless essential to the purpose of the release. A general reference is normally preferable.
- (b) No information which might be regarded as sub-judice, or which might compromise on-going investigations will be released.
- (c) No information will be released in contravention of the provisions of the Personal Data (Privacy) Ordinance or the associated Data Protection Principles.
- (d) Neither names of suspects nor information which might lead to their identification should be released.
- (e) Names of private companies should not be revealed.

- (f) When consumer rights or safety are at stake, the balance should tilt towards the protection of the general public on the question of releasing more specific information.
- (g) Details which may be disclosed in a press release include such things as the suspect's title (where not unique), rank, government department/units, and the nature of private organisations involved.
- (h) It should be made clear that all allegations are allegations only and are subject to continuing investigation.
- (i) Supplementary information and statistics on past publicised ICAC cases of a similar nature to the subject of the press release can be provided to the media.

PROCEDURES

7. The authority for making a decision to release information to the news media is vested in officers of appropriate seniority. Press releases on ICAC investigations will be issued with the clearance of an Operations Department directorate officer.

8. All ICAC press releases including those on operations will be uploaded onto the ICAC corporate website for access by the media and the public. In parallel, these press releases will be distributed to the media through the information systems of the Information Services Department.

CONCLUSION

9. The existing ICAC media policy is considered capable of striking a balance between addressing public demands for a greater degree of transparency in ICAC operational matters, protecting the reputation of individuals under investigation, and safeguarding the integrity of ICAC investigations.