Acknowledgement of Obligations

Confidentiality, Privacy and Conflicts of Interest
(for Queensland Government Employees)

# **Invitation to offer number: [insert ITO/RFP ref and title]**

I, ......................................................., ......................................................., acknowledge the following:

 (Full Name) (Position)

## Confidentiality of obligations

1. In the course of performing services for the State of Queensland (acting through the Department of [Insert name of Department]) ("the **Department**"), relating to the procurement process for the Invitation to Offer (**ITO**) / Request for Proposal (**RFP**) which may include but is not limited to the development of the ITO/RFP specifications, communication with Suppliers in relation to the ITO/RFP, evaluation and/or negotiation of offers/proposals and the subsequent acceptance or rejection of offers/proposals, I will or may have access to Confidential Information and/or Personal Information.
2. Improper use or disclosure of either Confidential Information or Personal Information by me could jeopardise or invalidate the procurement process, including the evaluation of offers/proposals and may severely damage the Department’s ability to perform its governmental/statutory functions and/or potential to damage the Department’s reputation.
3. I am aware that the access, use and disclosure of Personal Information provided by or on behalf of a Supplier is subject to the [*Information Privacy Act 2009*](https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2009-014)(Qld).
4. I am aware of my obligation under the [Code of Conduct for the Queensland Public Service](https://www.forgov.qld.gov.au/code-conduct-queensland-public-service) to:
5. treat official information with care and use it only for the purpose for which it was collected or authorised; and
6. store official information securely, and limit access to those persons requiring it for legitimate purposes; and
7. not use confidential or privileged information to further personal interests; and
8. respect the confidentiality of official information after I have left public service employment; and
9. ensure that any conflict of interest is resolved in the public interest.
10. I acknowledge and understand that any wrongful disclosure of official information may constitute an offence under the [*Criminal Code Act 1899*](https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1899-009)*,* official misconduct under the [*Crime and Corruption Act 2001*](https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2001-069)*,* a breachof the [*Public Sector Ethics Act 1994*](https://www.legislation.qld.gov.au/view/pdf/inforce/2014-07-01/act-1994-067), and/or be grounds for disciplinary action under the [*Public Sector Act 2022*](https://www.legislation.qld.gov.au/view/html/asmade/act-2022-034)*.*

### Definitions

**Confidential Information** means all information disclosed by or on behalf of the Department or the Supplier to the other party in connection with an ITO/RFP or created using the information, which is confidential in nature and designated as confidential, or which a reasonable person receiving the information would realise is sensitive or is confidential, and all information to the extent it is derived from that information, and (in the case of the Department) all Customer Data.

**Personal Information** has the same meaning given:

1. for the purpose of the *Information Privacy Act 2009* (Qld) - in that Act; or
2. for the purposes of the *Privacy Act 1988* (Cth) – in that Act.

**Conflict of Interest** means having an interest, affiliation or relationship, or owing an obligation (whether personal, financial, professional or otherwise) which conflict, may reasonably have the potential to conflict, or may reasonably be perceived as conflicting, with my ability to perform my obligations under the ITO/RFP and procurement process fairly and objectively.

## Conflict of interest

1. Conflicts of Interest involves a conflict between my duty as a public service employee to serve the public interest and my personal interests. The conflict may arise from a range of factors including my personal relationships, any employment outside the public service, my membership of special interest groups or my ownership of shares, companies or property.
2. In the course of performing services for the Department relating to preparing the ITO/RFP, inviting; evaluating and/or negotiation of offers/proposals and the subsequent acceptance or rejection of offers/proposals for the supply of goods and/or services, I acknowledge the importance of the public interest and my obligation to ensure that any Conflict of Interest issue will be resolved or appropriately managed in favour of the public interest.
3. I undertake during the procurement process that I shall not engage in any activity or obtain any interest likely to conflict with my obligation to be impartial in respect of the procurement process. If such an activity or conflict of interest occurs or arises, I shall immediately disclose the activity or conflict to the Department.

## Declaration

In relation to the above ITO/RFP/offer/proposal for which I am performing services for the Department, I declare that:

[ ]  **I do not have** a Conflict of Interest at this time.

☐ **I have** an interest that conflicts or may conflict with the discharge of my official duties and I have disclosed in the space below all the past, current and anticipated interests which may conflict or be perceived as conflicting with my impartial involvement in the procurement process, and not take action or further action in relation to the ITO/RFP/offer/proposal unless sanctioned by the authorised delegate.

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[x]  **If a Conflict of Interest arises** during the course of any ITO/RFP/offer/proposal for which I am performing services for the Department I will, as soon as practicable, disclose the nature of the interest and conflict to the nominated procurement officer, and not take action or further action in relation to the ITO/RFP/offer/proposal unless sanctioned by the authorised delegate.

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| **Declaration completed by** | **Witnessed by** (must be an Australian Resident over the age of 18 years) |
| **Name** |  | **Name** |  |
| **Position Title** |  | **Position Title** |  |
| **Signature** |  | **Signature** |  |
| **Date** |  | **Date** |  |