



**Public Interest
Commissioner**
of Alberta

Managing Difficult Disclosures

What Makes a Legitimate Public Interest Disclosure

- The discloser does not have a personal stake in the matter.
- The allegation deals with serious and significant wrongdoing as defined in the Act.
- The allegations are specific and clear.
- The discloser offers to provide more detail if requested.
- The discloser is motivated by a desire to 'do the right thing' for their organization and colleagues.

Keep in mind: Public interest disclosures are not personal grievances. A discloser should not interpret a decision not to investigate as a personal wrong. Where a disclosure is framed primarily as personal harm rather than a public interest matter, it may fall outside the scope of the Act.

Overview

Advice on how to manage complex disclosures, including:

1. Convoluteds disclosures
2. Allegations unrelated to wrongdoing
3. Querulant disclosers



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1. Convoluted Disclosures

Scenario: You receive a long, multi-page disclosure that includes volumes of supporting records but does not include a clear explanation of the alleged wrongdoing (i.e., “*here is everything— you figure it out*”)

1. Convoluted Disclosures

How to respond:

- There is no obligation to sift through a lengthy disclosure and all accompanying records in search of information relevant to the *Public Interest Disclosure (Whistleblower Protection) Act* (the Act), nor is it your responsibility to decipher a poorly organized submission.
- Inform the discloser what your mandate is and what the Act allows you to investigate.
- It is reasonable to ask the discloser to refine their disclosure and provide a concise explanation of what wrongdoing they are alleging.
- Assess the issue to determine if the Act applies.
- If the allegation falls under the Act and an investigation is required, supporting records may be reviewed thereafter.

A designated officer may require additional information to help assess a disclosure. This includes a concise explanation of their allegation.



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2. Allegations Unrelated to Wrongdoing

Scenario: A discloser makes multiple allegations that do not relate to wrongdoing under the Act and frames them as serious wrongdoings and public interest matters.

Examples include:

- Individual grievances
- Breaches of internal policy
- Disagreement with hiring decisions
- Ongoing interpersonal disputes between management and the discloser, or the discloser and another employee
- Disagreement with public policy or operational decisions
- Disagreement with human resource management decisions
- Disputes relating to performance management or job duties

2. Allegations Unrelated to Wrongdoing

How to respond:

- The Act is intended to address serious and significant wrongdoing. For a matter to be a public interest disclosure, it must not solely relate to perceived wrongs perpetrated against the individual discloser; rather, there must be a broader public interest component.
- Investigations may be conducted under the Act relating to wrongdoings outlined in Section 3.
- Individual grievances or disputes between management and employee may be addressed through human resource management processes or processes under a collective agreement. Policy violations, disagreement with operational decisions, or disagreement with human resource management decisions, are not considered wrongdoing under the Act.
- As the allegation does not relate to wrongdoing as defined in the Act, an investigation is not required.
- The discloser may bring the matter to the Public Interest Commissioner if they disagree with the decision.

3. Querulant Disclosers

Scenario: A discloser engages in an obsessive, persistent, and often irrational, pursuit of justice or compensation.

Common indicators:

- The discloser has already attempted to use multiple internal and external avenues unsuccessfully.
- The allegations are part of a 'fan-out' complaint to multiple authorities or persons.
- The allegations are accompanied by a threat to take other action or an accusation that you are complicit in the wrongdoing if you do not investigate.
- The discloser sets artificial and unreasonable timelines.
- The discloser wants punitive action taken against those who wronged them.
- The allegations are broad, subjective or speculative, and supporting records are misinterpreted.
- The discloser uses language that is catastrophizing or sensationalizing the issue.

3. Querulant Disclosers

How to respond:

- Set boundaries and expectations early. Explain what forms of wrongdoing the Act addresses. (Consider referring them to the [Complaint Checker](#)).
- If the written submission is lengthy, request the discloser summarize the allegations into a concise explanation of the alleged wrongdoing(s).
- Control the flow of records and information. It is reasonable to request they do not send records unless requested and necessary for your assessment.
- Confirm in writing which allegations will be reviewed. This helps avoid an ongoing stream of new issues if you decide not to investigate.



3. Querulant Disclosers

How to respond:

- Avoid agreeing or committing to timelines, other than what is legislatively required.
- Avoid agreeing with the discloser's view, even if they ask you to.
- Maintain a neutral tone and perspective.
- Use written communication whenever possible. Email creates a clear record of decisions and holds the discloser to their account. If communication is by phone or video call, reiterate the key points in a follow-up email.



Decision-making

What is required:

- Inform the discloser of your decision
- If you decline to investigate, provide a reason for the decision
- Clarify that your decision is final
- Provide a referral to another mechanism to address the concern if appropriate
- Answer reasonable questions about the decision
- Inform them that if they disagree, they may submit their concern to the Public Interest Commissioner

You are not required to:

- Engage in continued debate or respond to repeated questions from a discloser who disagrees with your decision
- Respond to requests for a phone call or meeting
- Respond to grievance spamming (cc'ing multiple persons or organizations)
- Respond to demands for records or documentation
- Forward the matter to your supervisor (Under the Act, you are the final decision maker)
- Tolerate verbal abuse or threats

Things to avoid:

- Arguing or trying to win over the discloser
- Promising an outcome that you cannot provide
- Changing your answer if they return with the same question
- Taking a discloser's taunts or angry remarks personally
- Ignoring the boundaries you set
- Adjusting your process to the discloser's request

How the Office of the Public Interest Commissioner (OPIC) can help:

- You may request advice from the OPIC on the management of any disclosure (*Section 14(2), the Act*)
- OPIC can assist with the assessment of the disclosure and provide advice on next steps
- An assessment by the OPIC may provide support for your decision and rationale to the discloser
- Disclosers who refuse to accept your decision may be referred to the OPIC



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