



GEORGE TOWN COUNCIL STRATEGY (PROCEDURES) NO.6 DRAFT INFORMATION DISCLOSURE STRATEGY (PROCEDURES)

Adopted	21 st September 2011	Minute Ref: 414/11
Amended		
Next Review Date	As required	

1. TITLE

Information Disclosure Strategy (Procedures)

This Strategy (Procedures) is to be read in conjunction with the Right to information Act 2009.

2. STRATEGY (PROCEDURES) STATEMENT

Council adheres to the principle that the information held by Council belongs to the people of the community and is therefore committed to:

- improving accountability to the community;
- increasing community participation in all facets of Council's decision making; and
- a proactive disclosure and dissemination of information to enhance the development of the community.

3. DEFINITIONS

“assessed disclosure” means a disclosure of information by George Town Council in response to an application in accordance with Section 13 of the Act.

“active disclosure” means the disclosure of information by a public authority or a Minister in response to a request from a person made otherwise than under the provisions of the Act which outline the process for assessed disclosure – ie. The voluntary release of information on receipt of a request.

“council workers” means a Council employee, contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company, an outworkers, an apprentice or trainee, a student gaining work experience, a volunteer, or a person of a prescribed class.

“fee unit” Under the Fee Units Act, a fee is defined as a fee or charge that is payable under any enactment, but does not include a fee or charge in a regulation, rule or by-law unless it is made by or approved, confirmed or assented to by the Governor.

“delegated officer” means a person specified in an instrument of delegation in accordance with Section 24 of the Act;

“information” means –



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- (a) anything by which words, figures, letters or symbols are recorded and includes a map, plan, graph, drawing, painting, recording and photograph; and
- (b) anything in which information is embodied so as to be capable of being reproduced.

“**public authority**” means George Town Council.

“**principal officer**” means the General Manager of George Town Council;

“**regulations**” means the Right to Information Regulations 2010 made in force under the Act;

“**routine disclosure**” means a disclosure of information by George Town Council which Council decides may be of interest to the public; but which is not a required disclosure, an assessed disclosure or an active disclosure.

“**the Act**” means the Right to Information Act 2009.

4. LEGISLATION

- **The Right to Information Act 2009**
- **Right to Information Regulations 2010**
- **Personal Information Protection Act 2004**

The Right to Information Act 2009 creates a new framework for the disclosure of information to the Tasmanian community and it is within this framework that this Strategy (Procedures) operates by:

- Authorising and encouraging greater routine disclosure of information held by public authorities without the need for requests or applications.
- Authorising and encouraging greater active disclosure of information held by public authorities in response to informal requests without the need for applications.
- Giving members of the public an enforceable right to information held by public authorities; and
- Providing that access to information held by government bodies is restricted in only limited circumstances which are defined in the Act.

The George Town Council is a public authority.



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5. STRATEGIC PLAN

Key Area 1 – Organisational Accountability

Objective

*To be a responsible, accountable local government by:
Providing and maintaining a high standard of governance, performance and accountability.*

6. PURPOSE OF THE STRATEGY (PROCEDURES)

To outline the framework by which George Town Council provides information and how information can be obtained under the requirements of the *Right to Information Act 2009*.

This Strategy (Procedures) applies to applications for assessed disclosure of information.

7. ACCESS TO INFORMATION

Information is made available through routine disclosure, this means that Council will routinely make information available which will assist the public in understanding what it is we do and how we do it.

This may be done via Council's website, through publications (eg. annual plans, budgets and estimates, annual reports, agendas & minutes, Council notices and auditor reports), and other appropriate media / means, including by public inspection at Council's offices, as determined by Council.

Other information will be provided by request under the requirements of the Right to Information Act 2009.

Note: *Some information may not be released in this way, either because it is not of general public interest or because it is information the Council would need to assess against the exemptions in the Right to Information Act 2009 Division 2 prior to disclosure.*

Council at its discretion may determine to supply information that would otherwise be exempt under the Act, if it is deemed to be in the public interest.

8. APPLICATION FOR ASSESSED DISCLOSURE OF INFORMATION

Assessed disclosure means a disclosure of information by a public authority or a Minister in response to an application in accordance with Section 13 of the Act in that:



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13(1) An application for assessed disclosure of information may be made to any public authority or Minister who the applicant believes has the information.

(2) A person who seeks:

- (a) information in the possession of a public authority; or
- (b) information in the possession of a Minister

Must make a written application to the public authority or Minister for an assessed disclosure of the information.

A form to assist in making an application is available on Council's website or available at the Council office or by email request to council@georgetown.tas.gov.au.

If the applicant is not using the form, application may be made in writing and addressed to the:

**General Manager
George Town Council
PO Box 161
George Town TAS 7253**

Applications must contain the minimum information required as prescribed in the Regulations and may be made by reference to the information contained in a particular record or document without specifying the subject matter of that record or document.

Applications are to be accompanied by the application fee. The fee is 25 fee units, which is indexed annually. Refer to www.treasury.gov.au (fee units).

Applicants may apply to the Principal Officer to have the fee waived if:

- They are in financial hardship – taken to mean that they are on income support payments (upon evidence that they are in receipt of Centrelink or Veterans Affairs payments);
- They are a member of parliament and the application is in connection with official duties; or
- They are able to provide Council with information which shows that the information sought is intended to be used for a purpose that is of general public interest or benefit.



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Applicants are to have looked for the information before making a formal application, because if the information is otherwise available their application may be refused without the return of the application fee.

9. RECEIPT OF APPLICATION

Upon receipt of an application for assessed disclosure of information:

- Each application is to be checked to make sure that the information requested is available and that the application fee is paid (or waived subject to conditions set out under point 7 of the Strategy).
- Applications may be transferred to another public authority if the delegated officer does not believe that George Town Council is best placed to provide the information.
- Before an application is accepted, the delegated officer may need to contact the applicant to enquire further about their application and to understand their request.
- Once the above steps are completed accordingly, the delegated officer will assess the application against the Right to Information Act 2009 and advise the applicant of the outcome of that process in writing.
- The applicant will be notified by the delegated officer of the decision on their application for assessed disclosure as soon as practicable, but in no more than 20 working days of the application being accepted.
- If the request is complex or for a large amount of information, the delegated officer may ask the applicant to allow Council more time to complete the request.

If there is a need to consult with a third party about their business affairs or about their personal information, more time is automatically given and the delegated officer will advise the applicant of the outcome as soon as practicable, but no later than 40 working days. The applicant will be advised accordingly if this is the case.

If the application or part of the application is refused by the third party, then the reasons for the refusal to provide the information must be provided as part of the decision together with details on the right to seek a review of the decision. This is done by writing to:

**General Manager
Right to Information
PO Box 161
George Town TAS 7253**



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- If the delegated officer assessing the request does not get back to the applicant in the timeframe allowed then it can be taken as a refusal of the application and the applicant is able to make an application for review to the Ombudsman if the applicant so chooses.

Further information on reviews by the Ombudsman can be found on the Office of the Ombudsman's website.

10. RIGHT TO INFORMATION MANUAL AND GUIDELINES

The Manual and Guidelines will provide further detail on making requests under the Right to Information Act 2009 and how they are processed by a public authority. These are also available on the Office of the Ombudsman's website.

11. SUPPORTING INFORMATION

For further information refer to the George Town Council Information Disclosure Policy No. 28.