



George Town Council

DRAFT Information Disclosure Policy

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Introduction

The George Town Council is required by the Right to Information Act 2009 (the Act) to make information available to the public through proactive disclosure, this means we are to routinely make information available which will assist the public in understanding what it is we do and how we do it.

Some information is not 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 Act prior to disclosure.

Background

The Right to Information Act 2009 replaced the Freedom of Information Act 1991 on 1st July 2010 and provides for greater access to information held by government bodies 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.

Statement of Principles

As a public authority, the George Town Council is bound by the provisions of the Act and is committed to furthering the objectives stated with it.

Policy Objective

To provide guidance and assistance to individuals wishing to make an application for assessed disclosure under the Act.

Link to Strategic Plan

George Town Council Strategic Plan 2012-2017 Key Area 1 – Organisational Accountability

Aim: To be a responsible, accountable local government by:

Objective: Providing and maintaining a high standard of governance, performance and accountability.

Legislation

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

Scope of Policy

This Policy applies to all Council workers and the public and should be read in conjunction with Council's Information Disclosure Strategy No. 6.

Definitions

“Act” means the Right to Information Act 2009.

“Assessed Disclosure” means disclosures made in response to a formal request under the Right to Information Act for information in the position of a public authority or Minister that is not otherwise available.

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

“Delegated Officer” means a person specified in the instrument of delegation in accordance with Section 24 of the Act.

“Principal Officer” means in relation of Council, the General Manager.

“Public Authority” means a Council, in this instance means George Town Council.

Internal Council Documents

- George Town Council Disclosure of Information Strategy No. 6
- George Town Council Personal Information Protection Policy No. 2
- George Town Council Customer Service Charter Policy No. 8
- George Town Council Risk Management Policy No. 33

Application

Under the provisions of the Right to Information Act 2009, applicants are to have made an attempt to obtain the requested information through methods other than assessed disclosure prior to making an application. Details of those attempts must be included with the application.

Applicants are encouraged to use the appropriate application form which can be found on Council's website www.georgetown.tas.gov.au. If applicants are not using this form the following information must be provided in the application:

- Name of applicant
- Postal or email address
- Daytime contact details (phone and/or email address)
- The general topic of the information requested
- Details of efforts to obtain the information requested through other methods other than an application for assessed disclosure under the Right to Information Act
- Date of the application
- Should the application relate to personal information, proof of identity will be required

Application

Address for applications:

General Manager
George Town Council
PO Box 161
GEORGE TOWN TAS 7253

Application Fees

All applications must be accompanied by an application fee of 25 units as prescribed under Section 16 of the Right to Information Act. The fee is indexed annually in accordance with the Fee Units Act 1997.

Application for the waiver of fees may be made by a Member of Parliament making the application as part of their official duties, the applicant is impecunious, or if the information sought is intended to be used for a purpose that is of a general public interest or benefit.

Application for waiver of the fees must be made, or a decision to waive the fee must be made, prior to the Principal Officer or Delegated Officer of the George Town Council assessing a request for information.

Should an application be refused, the Principal Officer or Delegated Officer may determine to retain the fee to cover administrative costs already applied to an application to that point.

Time Frame for Decisions

Applicants will be notified on an application for assessed disclosure within 20 working days of the time of an application being accepted by the Principal Officer or Delegated Officer.

Before an application is accepted the Principal Officer or Delegated Officer has a maximum of 10 working days to negotiate with the applicant to further define the scope of the application.

Where the Right to Information Act requires the Principal Officer or Delegated Officer to consult with a third party in relation to all or part of the request, a further 20 days will be allowed in addition to the original 20 day time frame permitted to process a request.

If the above time limits are not met, applicants will be deemed to be refused and applicants may apply to the Ombudsman for a review of that decision.

Further Information

Further information on how to make an application for assessed disclosure may be obtained by contacting Council's Principal Officer or Delegated Officer on the details provided above. For more general information on the Right to Information Act, applicants are encouraged to visit the website of the Ombudsman Tasmania.

Risk Considerations

This Policy aligns itself to Council's Risk Management Policy No. 33 in that it promotes the maintenance of overall set performance standards and the regular review and improvement of Council practices and procedures and in accordance with the requirements of the Right to Information Act 2009.

Implementation of Policy

This Policy shall be reviewed as required by the General Manager to ensure its continued suitability and effectiveness against relevant legislation and the requirements of Council Policy.

Responsibility

Responsibility for the operation of this policy rests with the General Manager.