



George Town Council

DRAFT Information Disclosure Policy

Policy No. 28 - Version: 02

Adopted	16 November 2011	Minute Ref: 489/11
Amended		
Next Review Date	As required.	
File Ref:	DW14.13, DW33.2	

Contents

George Town Council..... 1

Introduction 3

Background 3

Statement of Principles 3

Policy Objective..... 5

Link to Strategic Plan 5

Legislation 5

Scope of Policy 6

Definitions 6

Internal Council Documents 6

Application..... 6

Application Fees..... 7

Time Frame for Decisions 7

Further Information..... 8

Risk Considerations 8

Implementation of Policy 8

Responsibility 8

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.

GTC will make official information in its possession, publicly available when it is relevant, appropriate and in the public interest to do so and not subject to an exemption set out in the Act. Information will be considered for release in accordance with the requirements of this Policy. This Policy is adopted by Council to further the Act and explain the four types of information disclosure specified in section 12(2) of the Act that may be disclosed to the public as:

- Required Disclosure; or
- Routine Disclosure; or
- Active Disclosure; or
- Assessed Disclosure (last resort)

In other words, where possible, Council will make information voluntarily available, whether free of charge or by purchase and so reducing the need for assessed disclosure.

Required Disclosure

GTC must make available under law. Information released under Required Disclosure will be made available at Council's website and for inspection at Council offices.

Examples of Required Disclosure includes publication of information such as Strategic Plans, Annual Plans, Annual Reports and other reports which GTC must make available under law.

Statement of Principles (Cont.)

Routine Disclosure

Classes of information that will be published on Council's website as routine disclosure are:

- About us – who we are and what we do
- Our services – services we offer or deliver
- Our finances – what we spend and how we spend it
- Our decisions – how we make decisions
- Our policies – our policies and procedures
- Our strategies – our strategies and plans
- Our decision making – Council agendas, reports, minutes and attachments

In approving types of information under each class as suitable to be routinely disclosed, the following matters will be considered:

- What information may be significant, relevant and meaningful to the community?
- What information key stakeholders and the community might reasonably expect to be able to access?
- The extent of public or other demand for the information?
- How useful the information would be to the public in dealing with GTC?
- Whether publication would improve the public's ability to contribute to the work of GTC or to decision-making by GTC?
- Whether publication would provide increased transparency about the operations of GTC?
- Whether publication would promote greater accountability by GTC, for example by showing the basis of its decision?
- Whether the information promotes community wellbeing?

Other questions relevant to a decision to routinely disclose are:

- Does GTC possess the information?
- Does the information relate to the official business of GTC?
- Has the information been archived or is it out of date or otherwise inaccessible?
- Is it impracticable or resource intensive to prepare the material for routine release?
- Is the information significant – is it about important aspects of GTC such as major projects, key initiatives or policy documents?
- Is the information preliminary or deliberative or does it represent the final and approved position/decision?
- Does the information tell the public what we do, how we do it or how we spend public money?
- Is the release of the information lawful – having regard to the Act, other legislation and any other obligation such as an agreement or copyright?
- Is the release appropriate – having regard to issues such as privacy principles, defamation, third party and security issues?
- Is the information accurate? All efforts should be made to ensure that the information is update and accurate.
- What is the cost and time involved in producing the information? The release of information should be at the lowest reasonable cost.
- Is the information otherwise exempt – having regard to the Act?
- Is it in the public interest to release – having regard to the Act.

Statement of Principles (Cont.)

Active Disclosure

For all requests for information that are not otherwise available under Required Disclosure or Routine Disclosure Officers will:

- Direct the person to the information if it is already publicly available
- Consider asking for a request in writing to provide greater clarity around the information being sought, and to whom the information is to be provided.
- Decide whether the information can be released to the person in full or in part, taking into consideration such factors as:
 - ▶ Third parties – who may have provided commercial in confidence information or information provided strictly in confidence by third parties
 - ▶ Personal privacy – decisions must be consistent with Council's Personal information Privacy Protection Policy
 - ▶ Confidentiality – information provided in confidence (commercial or otherwise)
 - ▶ Copyright or ownership of the material
 - ▶ The exemptions outlined in the Act
 - ▶ Contractual obligations that may relate to the information
 - ▶ Whether the information contains material of a defamatory nature
 - ▶ If the information is part of an ongoing investigation or legal action

Assessed Disclosure

Assessed disclosure is the method of disclosure of last resort. In other words, where possible, Council will make information voluntarily available, whether free of charge or by purchase and so reducing the need for assessed disclosure.

Policy Objective

This Policy is adopted by Council to further the requirements of the Right to Information Act 2009 and will guide Council officers in making decisions about what information is released and the method of making that information available.

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. Assessed disclosure is the method of disclosure of last resort.

“**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 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.

“**GTC**” means George Town Council.

“**Information**” means anything by which words, figures, letters or symbols are recorded and includes a map, plan, graph, drawing, painting, recording and photograph and anything in which information is embodied so as to be cable of being produced.

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

“**Public Authority**” means a Council, in this instance means GTC.

“**Required Disclosure**” means the disclosure of information by a public authority where (1) the information is required to be published by the RTI Act or another Act; or (2) disclosure is otherwise required by law or is enforceable under an agreement.

“**Routine Disclosure**” is the disclosure of information by a public authority which the public authority decides may be of interest to the public, where the disclosure is not one of the other three types of disclosure.

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

Application (Cont.)

- 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

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 the lodgement of an application for assessed disclosure is outlined on Council's Information Disclosure Strategy (Procedures) No. 6 or 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

The General Manager will determine procedures as necessary for implementation of this Policy in accordance with the requirements of the Act and will appoint and delegate General Manager functions to Officers to assist in undertaking General Manager functions under the Act.

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.