



INFORMATION DISCLOSURE POLICY

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Amendment/Administrative History

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1. OBJECTIVE

The objective of this policy confirms Council's commitment to transparency and accountability, in all of its activities, and to assist Council officers in making decisions about what information is released, and the method of making that information available as they relate to the *Right to Information Act 2009*.

2. TYPE OF POLICY

As per Section 8 of Policy GTC-12, this policy GTC-C-02 is categorised as a Council Policy.

This categorisation is consistent with the definitions as stated in Policy GTC-12 which are as follows:

Council - Policies pertaining to the Governance of the Council and the activities of its elected members, including the establishment of Committees, and the government of the municipality including resident and ratepayer compliance policies and by-laws.

Operational - Policies pertaining to the operational, administrative, and internal matters of the Council, including internal governance, internal committees and operational matters of service delivery.

3. SCOPE

This Policy applies to operational matters of George Town Council in relation the provision *Right to Information Act 2009*.

4. DEFINITIONS

Act means the *Right to Information Act 2009*.

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.

Assessed Disclosure means a disclosure of information, in response to a formal request under section 13 of the *Right to Information Act*, for information in the possession of a public authority or Minister that is not otherwise available. Assessed disclosure is the method of disclosure of last resort.

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 capable of being reproduced.

Public Authority means a Council, in this instance the George Town Council (GTC).

Required Disclosure means the disclosure of information by a public authority where (1) the information is required to be published by the *Right to Information Act 2009* or any other 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.

5. LINK TO STRATEGIC PLAN

George Town Council Strategic Plan 2020 – 2030

Future Direction Four - Leadership and Accountable Governance

2. Planning and regulatory responsibilities are undertaken fairly and openly
 - ii. Compliance customer service standards and processes.
6. Difficult issues are managed in an open manner without conflict
 - iii. Communicating well.

6. RELATED LEGISLATION

Right to Information Act 2009 (sections 3, 7, 12, 13, 16)

Right to Information Regulations 2021 (sections 4-6)

Fee Units Act 1997

7. RISK CONSIDERATIONS

George Town Council is a public authority and is obliged to comply with the legislative requirements under the *Right to Information Act 2009*. This policy aligns itself with the Council's approach to risk management, namely, promoting compliance with relevant obligations.

8. POLICY

8.1 Introduction

The *Right to Information Act 2009* replaced the *Freedom of Information Act 1991* on 1 July 2010. The objective of the *Right to Information Act 2009* (the Act) is to improve democratic government in Tasmania by:

- Increasing the accountability of the executive to the people.
- Increasing the ability of the people to participate in their governance.
- Acknowledging that information collected by public authorities is collected for and on behalf of the people and is the property of the state.

George Town Council is required by 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 we do and how we do it.

Some information is not released in this way, either because it is not of public interest or, because it is information the Council would need to assess against the exemptions in the Act, prior to disclosure.

8.2 Statement of Principles

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 namely, required, routine, active and assessed that may be disclosed to the public. 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.

8.3 Required Disclosure

Information released under required disclosure will be made available at Council's website and for inspection at Council offices. Examples of required disclosure include publication of information such as strategic plans, annual plans, annual reports, meeting agendas and minutes and auditor's reports.

8.4 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 the 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 it is out of date or otherwise inaccessible?
- Is it impractical 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 obligations such as an agreement to 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 up to date 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 the information, having regard to the Act?

8.5 Active Disclosure

For all requests for information that are not otherwise available under required or routine disclosures, 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

8.6 Assessed Disclosure

As outlined in section 12(3) of the Act, assessed disclosure is the method of disclosure of last resort. In other words, where possible, Council should be making information voluntarily available, so reducing the need for assessed disclosure.

There are a categories of information that are exempt under the *Right to Information Act 2009*. These are outlined at Part 3, Division 2 and 3 of the *Act*.

8.7 Application – Assessed Disclosure

Under the provisions of the Act, applicants are to make 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 and refer to the Application for Assessed Disclosure Form available on Council's website <https://georgetown.tas.gov.au/right-to-information>

Applications are to be accompanied by an application fee, as per section 16 of the Act. The fee is 25 fee units, indexed annually in accordance with the *Fee Units Act 1997*. The application fee may be waived if the applicant is:

- Experiencing financial hardship
- A Member of Parliament acting in connection with their official duty
- Able to show that they intend to use the information for a purpose that is of general public interest or benefit.

9. IMPLEMENTATION & REVIEW OF POLICY

Implementation of this Policy rests with the General Manager. This Policy is due to be reviewed in 2030, or in accordance with legislative requirements. This Policy can be reviewed out of cycle as required.

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Shane Power
GENERAL MANAGER

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