Right to Information and Information Provision Policy

DETAILS

<table>
<thead>
<tr>
<th>Effective from:</th>
<th>18 August 2016</th>
</tr>
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<tbody>
<tr>
<td>Contact officer:</td>
<td>Policy Officer, Business Innovation and Technology Services</td>
</tr>
<tr>
<td>Next review date:</td>
<td>30 June 2017</td>
</tr>
<tr>
<td>File reference:</td>
<td>IM634/305/04(P1)</td>
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<tr>
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<td>This policy: 22902250</td>
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OBJECTIVES AND MEASURES

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<th>Objectives</th>
<th>Provide for public access to information in Council of City of Gold Coast’s possession or under Council’s control, subject to the provisions of the Right to Information Act 2009 (RTI Act) and Information Privacy Act 2009 (IP Act). Ensure that the provision of information is managed consistent with corporate standards.</th>
</tr>
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| Performance measures | • Number of Right to Information complaints received.  
                        • Number of documents on the Disclosure Log.  
                        • Level of customer satisfaction with access to Council information. |
| Risk assessment | Medium |

POLICY STATEMENT

Council aims to maximise the amount of corporate information that is publicly available.

Council promotes proactive release of information and encourages Council officers to actively support activities to make corporate information available to the public in a self-service manner and in accordance with the Right to Information Act.

Council is committed to openness and transparency. A Council document is to be made publicly available and easily accessible unless it is specifically exempt by law or the release of the document is contrary to public interest.

General Council information is to be made available from the Council website, publication scheme, libraries and administrative offices. Additional information is to be made available from public registers and disclosure log in accordance with legislative provisions.

Council acknowledges the importance of facilitating public access to Council documents. Council officers are required to make every reasonable effort to assist applicants and to ensure that requests to access Council documents and/or amend documents containing an individual’s personal information are managed efficiently, effectively and in accordance with legislation and Council policies.

Council is committed to ensuring that an RTI access application is a last resort option for accessing a Council document.

Where the provision of a document or documents will incur administrative, printing or retrieval costs, Council may charge a fee for the cost of providing the document or documents.
SCOPE
This policy refers to the release or sale of any information that is held or controlled by Council. The policy and guidelines apply to all Council employees, contracted service providers and Councillors.

DEFINITIONS
Access application refers to an application for access to information under the Right To Information Act.

Administrative release refers to access to information, in full or part, in certain types of administrative or operational records. Such records are generally released as a matter of course, in response to a request, without the need for a formal application under legislative authority.

Corporate record means any record created, received or kept by Council in the exercise of its statutory, administrative or other public responsibilities or for a related purpose. Council records are the same as corporate records.

Council – Council of the City of Gold Coast

Disclosure Log is a list of documents released following a decision about an application for access under the Right To Information Act. Disclosure Log documents may be published on Council’s website or made available on request.

Document means a document in the possession or under the control of, Council whether created or received by Council. Documents may be in the possession of, or under the control of, a Council employee (including contractors or a Councillor) in that person’s official capacity. Documents may be in hard copy or electronic format, including files, correspondence, reports, emails, phone messages, maps, plans, photographs, discs or recordings. A document may be conceptual in nature, consisting of those properties or parts of a document that are independent of its particular manifestations.

Information is any data that is processed, organised or classified into categories to serve a useful purpose. It can be presented in voice, digital, printed, pictorial, image, graphical or numerical form.

Personal information is information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Publication Scheme refers to the list of documents published on the Council website that Council routinely makes available for public access.

RELATED POLICIES AND DELEGATIONS
Information Management and Information Privacy Policy
Information Security Policy
Complaints (Administrative Actions) Policy
Right to Information and Information Provision Policy

LEGISLATION

Right to Information Act 2009
Information Privacy Act 2009
Local Government Act 2009
Public Records Act 2002
Sustainable Planning Act 2009
Acts Interpretation Act 1954
Copyright Act 1968 (Cwth)
Copyright Amendment (Digital Agenda) Act 2000 (Cwth)

SUPPORTING DOCUMENTS

Attachment A - Right to Information and Access Application Guidelines
Attachment B - Information Provision Guidelines
Attachment C - Information Provision Checklist
Attachment D - Information Provision Policy Structure

Right to Information and Information Privacy – Procedures Manual

RESPONSIBILITIES

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>Director Organisational Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner</td>
<td>Manager Business Innovation and Technology Services</td>
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VERSION CONTROL

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<td>08.08.07</td>
<td>CGC070801.010 CEO08.08.2007</td>
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1. INTRODUCTION

Council is committed to providing easy public access to Council documents in accordance with legislative requirements. Council aims to maximise the amount of corporate information that is publicly available.

The following guideline describes the general processes and conditions for accessing documents or parts of documents held by Council, or under the control of Council. For the purpose of this policy, a document refers to all forms of corporate information. It may be available in hard copy or electronic format. Documents include reports, files, emails, text messages, images, maps, CDs, video and audio recordings.

Council documents are available to the public via:

- Council website
- The Publication Scheme
- Council libraries and administrative centres
- Disclosure Log
- Administrative access application
- A formal application under the RTI Act or IP Act.

An individual who requests access to a Council document, or part of a document, should initially be referred to Council’s website, Publication Scheme, Disclosure Log, library or other source where Council documents are routinely made available to the public.

If the document is not publicly available, an individual may apply to the relevant information asset custodian (the custodian) for administrative access to the information. The custodian will assess the request in accordance with legislation and Council policy.

As a last resort, the applicant may choose to submit an RTI access application in accordance with the provisions of the RTI Act and/or IP Act.

Schedules 3 and 4 of the RTI Act provide that access to a document may be refused if a document contains exempt information. Examples include documents that contain budgetary information or information that is subject to legal professional privilege.

2. PUBLICATION SCHEME

The Publication Scheme is administered by Legal Services. It provides information about Council business that Council releases routinely. The Publication Scheme is available on the Council website and refers to seven classes of information:

1. About Council: Council information, location and contacts, constitutional and legal governance
2. Council’s services: A description of the services offered by Council, including advice and guidance, booklets and leaflets, transactions and media releases
3. Council’s finances: Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts
4. Council’s priorities: Strategy and performance information, plans assessments, inspections and reviews
5. Council’s decisions: Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations

6. Council’s policies: Current policies and proposals for delivering our functions and responsibilities

7. Council’s lists: Information held in registers required by law to be publicly available and other lists and registers relating to the functions of Council.

The Publication Scheme must contain information that is significant and appropriate.

Significant information includes, for example, information that:

- The community expects to know
- Has a high level of demand
- Is needed by the community to prepare itself for future challenges, e.g. climate change
- Will facilitate industry development, efficient markets and growth in trade and commerce
- Promotes community well being
- Would be useful to the public in dealing with Council.

Appropriate information means that a document must not be exempt from public release or the release must not be contrary to the public interest as determined by the RTI Act or the IP Act (see Attachment C). Consideration must be given to any relevant legislation and/or Council policies.

Publication Scheme documents may be edited so that personal or sensitive information is not disclosed. Where possible, the Publication Scheme will clearly show the document has been edited, provide a brief explanation, and a summary of the omitted section where this can be done in a way that does not disclose the sensitive material.

Where possible, Council documents are to be accessible directly from the Publication Scheme. Where documents are only available in hard copy, details of how the documents can be accessed are to be made available from the Publication Scheme. Requests for additional information are to be referred to the relevant custodian. If a person is unable to access web based publications, and requests access to printed copies, Council aims to ensure that printed copies are made available.

In general, Council does not charge for the release of documents that are available from the Publication Scheme. Where the provision of additional documents would incur significant administrative costs, charges may apply in accordance with Council policy on the sale and provision of information (see Attachment B).

Council actively promotes the publication of accurate, appropriate and significant information to the Publication Scheme. Information asset custodians must ensure that Legal Services are advised of any new documents that are suitable for the Publication Scheme, such as new or revised legislation or policy, a new publication or a significant organisational change document. Custodians must also inform Legal Services if inaccurate or out of date documents are to be removed from the Publication Scheme.

The publication and removal of documents from the Publication Scheme is subject to approval by the City Solicitor or delegated officer.
3. DISCLOSURE LOG

The Disclosure Log is to be available on the Council website and managed by Legal Services. At the discretion of the delegated officer, it contains documents, or references or links to certain documents that have been made available to an applicant in accordance with the provisions of the RTI Act.

Where it is not reasonably practicable to publish a particular document that has been disclosed under the RTI Act, the Disclosure Log provides details identifying the document and how it may be accessed.

A document is published to the Disclosure Log no sooner than 24 hours after it is accessed by an applicant and no later than five business days after access.

In general, Council does not charge for the release of Disclosure Log documents unless it involves significant Council resources.

4. ADMINISTRATIVE ACCESS APPLICATION

Administrative access applications are ad hoc requests for a Council document or part of a document. An individual who requests access to a Council document, or part of a document, should initially be referred to Council’s website, Publication Scheme, Disclosure Log, library, customer contact centre or other source where Council documents are routinely made available to the public. If the document is not publicly available, the individual may apply for administrative access to the information.

An administrative access request must be referred to the relevant information asset custodian (the custodian) for consideration. The custodian, or delegated officer, must assess the request to determine if the document can be released administratively. The administrative release of a document is at the discretion of the custodian, subject to legislative provisions and Council policy.

Where the provision of a document or documents will incur administrative, printing or retrieval costs, Council may charge a fee for the cost of providing the document or documents. Upon application the applicant should be provided an estimate of fees. Refer to Fees and Charges Register. Upon application the applicant should be provided an estimate of fees (see Attachment B).

When assessing an administrative access application, the objective is to maximise the flow of routine administrative information to the general public, while guarding against the inappropriate disclosure of sensitive information. The administrative release of information is to be in accordance with open and transparent governance and reduces the need for a formal RTI access application. Attachment C: Information Provision Checklist, provides criteria for enabling a custodian to determine if it is appropriate to release a requested document.

The custodian must consider information that is exempt from disclosure under the Section 3 of the RTI Act. The custodian must also consider the factors for deciding the public interest in disclosing or not disclosing a document as described in Schedule 4 of the RTI Act.

A custodian must consider who will be affected by the disclosure of the information and who should be consulted in relation to its possible disclosure. Inappropriate disclosure may cause distress to individuals and can lead to legal action against Council.
The administrative release of information is appropriate where there is no substantial harm to an individual, Council or other organisation in disclosing the information. As a general rule personal information may only be disclosed administratively to the individual it is about except where legislation prevents such disclosure.

Where the provision of a document or documents will incur administrative, printing or retrieval costs, Council may charge a fee for the cost of providing the document or documents.

Once the application has been assessed, the applicant must be advised if the requested information will be released administratively. The outcome must be recorded on file.

If the applicant is not satisfied with the custodian's decision, the applicant may choose to submit an RTI access application in accordance with the provisions of the *RTI Act* and/or *IP Act* (see 5 below).

5. **RTI ACCESS APPLICATIONS**

If a Council document is not publicly available, or available via an administrative access request, an individual can make a formal application to Council to access a Council document under the provisions of the *RTI Act*.

Legal Services is responsible for assessing formal RTI access applications under the provisions of the *RTI Act* and *IP Act*. Delegated Legal Services officers may make decisions and/or recommendations regarding the release of documents.

Managers and custodians are responsible for providing the documents relating to RTI access applications, as required by Legal Services.

5.1 **ACCESS TO COUNCIL DOCUMENTS**

A formal RTI access application must:

- Be in the approved form and accompanied by the prescribed application fee
- Give sufficient information to enable the identification of the documents requested
- State an address where notices issued under the *RTI Act* or *IP Act* are to be sent.

The RTI access application applies only to documents that are, or may be, in existence on the day the application is received. Access applications do not apply to documents that are available from an alternative source, such as the Publication Scheme or via administrative access.

RTI application forms are available from Council’s website, at Council’s administration centres or by requesting a copy to be posted. The completed application form must be addressed to the Chief Executive Officer (CEO) attention Legal Services.

Generally, documents that are approved for release will be made available electronically. Subject to conditions, alternative arrangements can be made upon request and must be stated at the time of application. A private reading room may be available to inspect documents.
Right to Information and Information Provision Policy
Attachment A – Right to Information and Access Application Guidelines

The RTI Act provides Council with 25 business days, from Council’s receipt of the application, to receive a decision. At any time before the processing period expires, Council may ask the applicant for an extension of the processing period with a view to making a considered decision.

If an access application is outside the scope of the legislative provisions, Council will advise the applicant within 10 business days after receiving the application. If the application does not meet all the requirements of a valid application, Council will advise the applicant within 15 business days. Legal Services will ensure Council complies with its legislative obligation to assist applicants to make a valid application.

Where an access application is made for a document that contains the applicant’s personal information, Council will advise the applicant within 15 business days that the application could have been made under the Information Privacy Act 2009 without application fees or processing charges being payable.

There is a fee for an access application. Additional costs may be incurred for printing or additional administration. Upon application and before the end of the processing period Council will provide the applicant with a schedule of relevant documents (unless this requirement is waived by the applicant), a charges estimate notice and the applicant’s option to consult with a view to amending the application to reduce charges.

The CEO or delegated officer assesses each application in accordance with the public interest test and other exemptions prescribed by the RTI Act. If the delegate considers on balance, that disclosure of the information would be contrary to the public interest, the information will not be released. Council may refuse to deal with an access application if it would substantially and unreasonably divert Council’s resources. Council can also refuse to deal with an access application if the application was previously made for access to the same documents.

Once an access application has been assessed, the delegate provides the applicant with a written notice of its decision and, if access to certain information is denied, a statement of reasons in accordance with the RTI Act.

5.2 ACCESS TO PERSONAL INFORMATION

Under Section 44 of the IP Act an individual, or another person on behalf of the individual, including a parent or guardian of a child under 18 years, can apply to access their personal information that is held or controlled by Council.

The IP Act provides Council with 25 business days from Council’s receipt of the application, to receive a decision. If an access application is outside the scope of the legislative provisions, Council will advise the applicant within 10 business days after receiving the application. If the application does not meet all requirements of a valid application, Council will advise the applicant within 15 business days. Legal Services will ensure Council complies with its legislative obligation to assist applicants to make a valid application.

Where application to access an individual’s personal information is made under the IP Act there is no application fee. Additional costs may be incurred for printing or additional administration. Upon application, Council will provide an estimate of the costs to be incurred.
The delegate assesses each application in accordance with the provisions of the *RTI Act* and *IP Act*. Once an access application has been assessed, the delegate will provide the applicant with written notice of the decision, any access charges payable and the period in which the applicant may access the document/s. If access to certain documents or parts of documents is denied, Council will provide a statement of reasons in accordance with the *RTI Act*.

Where an applicant formally applies to access their personal information, the applicant must provide evidence of their identity within 10 business days of making the application. Without such evidence, the application cannot be processed. Acceptable documents that provide sufficient evidence of identity include:

- Current driver license
- Identifying page of a current passport
- Birth certificate
- Copy of certified prisoner’s identity card
- Statutory declaration of an individual who has known the applicant for at least one year.

If an application for access is made on another person’s behalf, a copy of the letter of authorization to act is required. Both parties must provide evidence of their identity.

### 5.3. INTERNAL AND EXTERNAL REVIEW

An individual dissatisfied with a decision made by the delegate in relation to a formal RTI access application may apply to have their decision reviewed internally. A request for an internal review must be in writing and sent to the CEO attention of the RTI/IP Internal Review Officer within the prescribed timeframe.

The RTI/IP Internal Review Officer must:

- Be a person other than the original decision maker
- Not be less senior than the original decision maker
- Have delegated authority to undertake a review of the original decision (delegation number 1510).

Requests for external review are to be referred to the Office of the Information Commissioner.
1. INTRODUCTION

Information will be released on the basis that all Council officers assess information, prior to release, for the relevance and accuracy of the content being fit for the purpose. When discussing information ownership, the terms owner also means the information asset custodian.

2. INTELLECTUAL PROPERTY

The process for the release of information should confirm if Council owns the intellectual property of that information. If the information is not owned by Council, staff must identify who owns the information and any intellectual property rights associated with the information (e.g. copyright, patents or trademarks). If the intellectual property is owned by a party other than Council, it should be established whether Council has a legally sustainable arrangement with that party which permits the material to be reproduced, distributed and/or sold. If not, or if there are any conflicts or inconsistencies between that arrangement and the proposed release of information, written clearance should be obtained before proceeding further.

In order to protect Council intellectual property associated with information assets, one or more forms of protection will accompany information released including a copyright notice, disclaimer, conditions of use and/or licence agreement. In most instances, requests to access to Council information can be fulfilled as long as the appropriate protection of the information is provided with the information.

Council will provide information to contractors and consultants engaged on Council projects. If applicable, information provision costs will be charged to these projects.

3. RELEASE OF INFORMATION

It is preferable that a request for information is provided in writing to give Council the opportunity to better assess requests and provide information most effectively and efficiently to meet the users’ requirements. Information held by, or in the control of Council, is provided to the public on the basis that relevant Council officers assess information prior to release for relevance, accuracy, and content being fit for the purpose.

In order to safeguard the interests of the Council and customers alike, one or more of the following will accompany all non-regulatory information supplied to other parties:

- Metadata, to the Council standard, which describes the product.
- Disclaimer supplied by the information asset custodian for use with their products, as approved by Legal Services.
- Conditions of use printed on electronic product packaging or in a file accompanying electronic products (e.g. DVD).
- Conditions of access on the first screen of any electronic access process (e.g. a screen including an “I agree” acceptance), where appropriate.
- When intellectual property is owned by Council, it is important that appropriate statements should be displayed on the material so that Council identifies itself as the creator (i.e. the owner) of the copyright. Legal protection for intellectual property (e.g. copyright) is automatic as copyright does not need to be registered in Australia. However, a copyright notice assists the information user to identify the owner of the copyright and provides users with a point of contact for copyright enquiries, including requests to reproduce materials.
Information/data agreement provided with the data to bind the user to conditions of use such as licensing agreements and copyright requirements.

Written share arrangements between Council and a customer using letter of understanding or similar semi-formal information sharing arrangement for information of value.

The owner of the intellectual property can grant many different types of licences for the reproduction and use of information. A licence agreement outlines the terms and conditions under which the owner of the copyright will allow the licensee to use or reproduce the information.

Where possible licence agreements between Council and another party will be implemented on an organisational basis rather than as a separate agreement for each issue of information or data. Where the licence agreement operates for more than a single supply of data, it will include an expiry date. Where an agreement is not applicable, the information asset custodian is to determine the access and use constraints.

The following types of licence agreement will be used depending on each specific situation:

- **Reseller Licence Agreement** - to be used when third parties are engaged to distribute Council information. (refer to the Digital Data Licence Administration Procedures for further information on implementing a licence agreement).
- **End User Licence Agreement** - to be used when the third party has access to Council information for a limited time and use.
- **Letter of Understanding** - to be used when Council agrees to provide access to information in return for information to be supplied to Council.

Information released for research purposes should include the appropriate licence, that is, End User Licence or Letter of Understanding which sets out the conditions of use and any provision to provide access to results of the research.

4. **INFORMATION PRICING**

Pricing arrangements will be simple, consistent and transparent, so that Council officers and customers easily understand pricing structures. Pricing decisions will be guided by the statutory fee prescribed in the relevant Act and/or Regulation, the cost of providing the information, the value of the information, and the extent to which the use of the information creates a private benefit compared with a public benefit.

Fees and charges should be equitable and take into consideration whether it is cost effective to develop a price and administer the collection of a fee. In some cases it may be more efficient to consider reciprocal information sharing as a non-price alternative to information provision, or to provide the information free of charge.

Charging of regulatory fees is allowed at no “more than the cost of providing the service or taking the action for which the fee is charged”. A regulatory fee, that is a fee set by Council under the authority of section 1071A (1) (a) of the *Local Government Act 1993*, is determined by Council resolution or developing a local law.
Where Council is the sole supplier of a service or facility, which is usually the case when supplying Council information, prices will be based on the principle of recovering the cost to Council of providing the service or facility. In some circumstances, Council may resolve to set charges for services below full cost recovery in order to achieve social, economic or environmental goals. In making any such decision the reason for the decision will be clearly set out in the resolution together with the estimated amount of revenue to be foregone in the subject year (refer to Revenue Policy for more details).

Non-regulatory charges are payments for a service or facility that are not regulatory fees fixed under the Local Government Act 2009. That is, those charges made at the discretion of Council to charge for, in this case, access to information and/or provision of information products. In these circumstances, the price of providing the information is at the discretion of Council, set by staff with the appropriate delegation, and should be in line with market prices. It should consider the cost of providing the information and the extent to which the use of the information creates a private benefit and may attract a more commercial rate compared with a public benefit.

The Queensland Government Information Standard: Information Access and Use, (IS33) will be used as a guide to determine costs. It states that cost recovery to provide information, or access to information, may include:

- Employment of additional staff to provide or support access by external parties.
- Training of external parties to access information.
- Any installation costs for external access.
- Promotion and publicity of data provision.
- Cost of commercial arrangement with other parties, such as information brokers, that assist in making information reasonably available.
- Additional capital costs to maintain accessibility (for example, computer hardware and software) amortised over the life span (years) which incorporates obsolescence.
- Additional operating cost for on line service delivery such as associated administrative costs.
- Materials and consumables (for example, stationery, CDs).
- Other additional miscellaneous but justifiable operating and/or maintenance costs as incurred.

Information supplied to the wider community that is not used for commercial purposes will be provided, where possible, free of charge. For example, information regarding libraries, community venues and events, are available on the Council Internet site free of charge.

Information supplied to contractors or consultants involved in Council projects, will be charged to the project where applicable.
5. ROLES & RESPONSIBILITIES

- Information asset custodians’ responsibilities are set out in the Information Management and Information Privacy Policy.
- Legal Services are responsible for providing legal advice on agreements and other conditions of use for information provision and access.

Delegated Officers (delegation 607) are responsible for:
- Ensuring that information asset custodians have endorsed access and pricing arrangement for Council information for which the custodian is responsible.
- Signing written agreements between Council and other parties using approved licence agreements.
- Implementing agreements, including registering the agreement in the appropriate register, maintaining point of contact, managing compliance with agreement conditions.

The Manager Business Innovation and Technology Services is responsible for:
- Establishing, maintaining and publishing licence templates.
- Maintaining the Digital Data Licence Register.
- Identifying relevant internal stakeholders to develop relationships with strategic partners for mutual benefit.

Council officers are responsible for:
- Ensuring that the appropriate conditions of use are displayed and/or attached to all information products.
- Seeking advice, if necessary, on how to appropriately release information.
- Reporting any infringement of the use of Council information to the information asset custodian and/or the Manager Business Innovation and Technology Services.
- Assisting the RTI Unit in identifying, locating and providing documentation for an application that relates to their role within Council.
- Ensuring that information relating to RTI applications remains confidential and is not deliberately or inadvertently released to the public.

Right to Information Unit is responsible for:
- Administering processes associated with the public making a RTI request.
- Responding to RTI requests.
- Administering processes to provide the public with an avenue of access to their personal information.
- Administering processes to enable the public to update their personal information.

Executive Coordinator, Community Relations is responsible for annually updating and publishing the Statement of Affairs.

Corporate Policy Officer is responsible for having a process in place for the public to access Council policies that relate to matters of public interest.

Internal Review Officer is responsible for conducting reviews on access to documents and amendments to information.
The following provides a general guide for assessing an administrative access request to determine if a corporate document or part of a document should be released (disclosed) based on the public interest in disclosing the document. Each request must be judged carefully and on its merits.

**ADMINISTRATIVE ACCESS DECISION PROCESS**

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<th>Decision</th>
<th>Checklist Reference</th>
<th>Action</th>
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<tr>
<td>Step 1</td>
<td>Is there any information considered exempt?</td>
<td>Table 1</td>
<td>Notify applicant that information sought is not appropriate for Admin Access and consider RTI Application</td>
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<tr>
<td></td>
<td>NO ❯</td>
<td>YES ➔</td>
<td></td>
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<td>Step 2</td>
<td>Is there ‘personal information’ in the documentation?</td>
<td>Table 2</td>
<td>Remove personal information about anyone other than applicant or obtain 3rd party/their consent, then go to Step 3</td>
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<td></td>
<td>NO ❯</td>
<td>YES ➔</td>
<td></td>
</tr>
<tr>
<td>Step 3</td>
<td>Do “Public Interest Decision” factors favour non-disclosure?</td>
<td>Table 3 &amp; 4</td>
<td>Notify applicant that information sought is not appropriate for Admin Access and consider RTI Application</td>
</tr>
<tr>
<td></td>
<td>NO ❯</td>
<td>YES ➔</td>
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<td>Prepare to release information administratively.</td>
<td>N/A</td>
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**Table 1: Exemptions (Schedule 3 RTI Act)**

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<th>Yes</th>
<th>Not Known</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Document contains unpublished information brought into existence in the course of Council's budgetary processes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disclosure would be contempt of court or Parliament</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requested information is subject to legal professional privilege</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disclosure may constitute a breach of confidence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disclosure may prejudice law enforcement or public safety</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Document contains information about an investment incentive scheme</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legislation restricts or prohibits the disclosure of the requested information</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Table 2: Personal Information**

<table>
<thead>
<tr>
<th>Yes</th>
<th>Not Known</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>The document contains personal information about an individual other than the applicant (apart from routine personal work information)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The application is made on behalf of another person for their personal information without their consent</td>
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<td></td>
</tr>
<tr>
<td>The document contains information about a deceased person</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The document contains personal information about a child (person under 18 years of age) and the applicant is a parent of the child</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PUBLIC INTEREST DECISION CONSIDERATIONS

STEP 1: Disregard any factors that are irrelevant to deciding the public interest in releasing a document. Such factors include embarrassment to Council, potential for misinterpretation, potential for mischievous conduct by the applicant and seniority of the author of the document.

STEP 2: Consider factors that favour the disclosure in the public interest (see table 3):

<table>
<thead>
<tr>
<th>Table 3: Factors that favour disclosure</th>
<th>Yes</th>
<th>Not Known</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>The document is publicly available, e.g. from a library, website, publication scheme or customer service centre</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Promote open discussion of public affairs and enhance government accountability</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contribute to positive and informed debate on important issues or matters of serious interest</td>
<td></td>
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</tr>
<tr>
<td>Informs the community of Council’s operations including, in particular, the policies, guidelines and codes of conduct followed by Council in its dealings with the community</td>
<td></td>
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<tr>
<td>Ensure effective oversight of expenditure of public funds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allow or assist inquiry into possible deficiencies in conduct of administration or agency official</td>
<td></td>
<td></td>
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<tr>
<td>Disclosure would advance the fair treatment of an individual or entity in accordance with the law in their dealings with agencies</td>
<td></td>
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</tr>
<tr>
<td>To inform the reason for a Council decision and any background or contextual information that informed the decision</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Protection of the environment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public health and safety</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Reveal environmental/health risks or measures relating to public health or safety</td>
<td></td>
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<tr>
<td>Maintain peace and order</td>
<td></td>
<td></td>
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<tr>
<td>Contribute to justice or law enforcement</td>
<td></td>
<td></td>
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<tr>
<td>Contribute to innovation and research</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Reveal that the information was either incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant</td>
<td></td>
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<tr>
<td>Contribute to the maintenance of peace and order</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Contribute to the administration of justice generally, including procedural fairness</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The information is classified as Public under the GCCC Information Security Classification Framework.</td>
<td></td>
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</tbody>
</table>

STEP 3: Consider the factors that favour the non-disclosure in the public interest. The following table provides a guide. If the answer is YES to any of the following criteria, the information should not be released administratively.

If the answer is NOT KNOWN, the custodian should undertake further investigation to ensure that a decision to release or not release a document is based on a sound understanding of the contents and the implications for releasing the document.
Table 4: Factors favouring non-disclosure

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Not known</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>The document is subject to copyright</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The document was tabled at a closed session of Council and is confidential</td>
<td></td>
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</tr>
<tr>
<td>The document contains information about staff discipline or grievance matters</td>
<td></td>
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<tr>
<td>Disclosure may prejudice a person’s physical or mental health</td>
<td></td>
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<tr>
<td>Disclosure may be defamatory</td>
<td></td>
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<tr>
<td>Disclosure may prejudice the private, business, professional, commercial or financial affairs of an individual or entity</td>
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<tr>
<td>Disclosure may impede the administration of justice generally, including procedural fairness</td>
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<tr>
<td>Disclosure may impede the protection of the environment</td>
<td></td>
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<tr>
<td>Disclosure may prejudice the flow of information to the police or another law enforcement or regulatory agency</td>
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<td></td>
<td></td>
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<tr>
<td>Disclosure may prejudice trade secrets, business affairs or research of an agency or person</td>
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<td></td>
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<tr>
<td>Disclosure may prejudice Council’s ability to obtain confidential information</td>
<td></td>
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<tr>
<td>Disclosure may prejudice the financial or property interests of Council</td>
<td></td>
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<tr>
<td>Disclosure may prejudice the conduct of investigations, audits or reviews by the ombudsman or auditor general</td>
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<tr>
<td>Disclosure may prejudice the conduct of an industrial relations activity</td>
<td></td>
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<tr>
<td>Disclosure may prejudice a deliberative process of Council</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Disclosure may prejudice auditing procedures</td>
<td></td>
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<tr>
<td>There may be a risk of damage to the information held by Council</td>
<td></td>
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<tr>
<td>The information contains intellectual property</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The information is classified as in-confidence or above</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**STEP 5:** Determine if the document is to be released administratively based on the above considerations and inform the applicant accordingly.

**STEP 6:** Record and file the assessment and outcome.

**Document:**

_______________________________________________________  iSpot#

________________________________________________________________________

Name/title of assessment officer

__________________________

Date
Right to Information and Information Provision Policy
Attachment D – Information Provision Policy Structure

INFORMATION PROVISION POLICY AND POLICY INSTRUMENTS

Printed copies are uncontrolled. It is the responsibility of each user to ensure that any copies of policy documents are the current issue.