

### 1.0 INTRODUCTION

The *Right to Information Act 2009* (RTI Act) gives a right of access to information in Council's possession or control unless, on balance, it is contrary to the public interest to give access.

The *Information Privacy Act 2009* (IP Act) deals with requests for personal information and amendments to personal information held by Council.

### 2.0 POLICY STATEMENT

Council aims to make it easy for the public to access information and is committed to openness and transparency.

This policy applies to Councillors and all employees of Council.

### 3.0 POLICY OBJECTIVES

The RTI Act establishes a public right of access to documents in Council's possession or under Council's control.

The purpose of this policy is to ensure Council complies with legislative obligations and functions under the RTI Act and IP Act and to enable a process by which the public can gain access to Council documents. It describes general processes and conditions for accessing information and documents held by Council under the RTI Act.

### 4.0 POLICY PRINCIPLES

#### 4.1 Responsibilities

Council's Chief Executive Officer is delegated by Council as the **Principal Officer** for the purposes of the RTI Act and is responsible for Council's obligations under the RTI Act.

**Decision makers** have been delegated by the Chief Executive Officer to make decisions regarding the release of documents. This is delegated to:

- General Manager Organisational Services
- Chief Legal Officer
- Governance Officer
- Insurance and Governance Support Officer

An **Internal Review Officer** is another decision maker of equal or greater seniority to the initial decision maker and will review any decisions made by the initial decision maker relevant to a particular RTI or IP application.

#### 4.2 Employee obligations

All employees have a responsibility to keep and maintain records in accordance with Council's Recordkeeping Policy and associated procedures. On request, employees must:

- ensure the prompt return of information and/or documentation within required timeframes (unless otherwise arranged)
- provide fully and complete records as requested
- provide separate background information about a document to assist the decision maker in determination whether any exemptions apply for release.

#### **4.3 Publication scheme**

Section 21 of the RTI Act requires Council to have in place a publication scheme. The purpose of this is to present a consolidated, user-friendly, comprehensive overview of Council's organisation, its relationship to the community and the various avenues for public access to Council's administrative and political processes.

The publication scheme is developed in accordance with the Queensland Government Ministerial Guidelines for Publication Scheme.

#### **4.4 Administrative access**

Administrative access refers to the release of information by means other than a formal access under the RTI or IP Acts. This scheme focuses on a reactive release following a specific request. The administrative release of information is to be in accordance with open and transparent governance and reduces the need for a formal RTI process.

#### **4.5 Disclosure log**

Council may develop and make publicly available a disclosure log, which contains non-personal information disclosed to applicants under the Act.

#### **4.6 Requests for access to personal information or amendment of personal information (IP Act)**

The IP Act gives individuals a right to seek access to documents containing their personal information. It also gives them the right to make amendments to personal information if it is considered to be inaccurate, incomplete, out-of-date or misleading.

Personal information means information or opinion, whether true or not, and whether recorded in a material form or not about a natural living person whose identity is apparent, or can reasonably be ascertained, from the information or opinion, including a photograph or other pictorial representation of a person.

#### **4.7 Application fees**

An application fee is payable for access to documents that are not related to an individual's personal information. Processing charges may also be applied if the total time taken to process an application exceeds five hours.

No charges are incurred for access to documents or parts of documents that relate to an individual's personal information.

Application and processing fees are set in accordance with the RTI Act and Regulation.

#### **4.8 RTI review and appeal**

The decision maker will provide a statement of reasons when making a determination to release information to an applicant. These decisions can be reviewed internally by an internal review officer or externally by the Office of the Information Commissioner.

#### **4.9 Training**

Training is provided to Council staff when commencing employment with Council. Further refresher training is to be provided as needed.

## **5.0 REFERENCES/ASSOCIATED DOCUMENTS**

*Right to Information Act 2009*

*Information Privacy Act 2009*