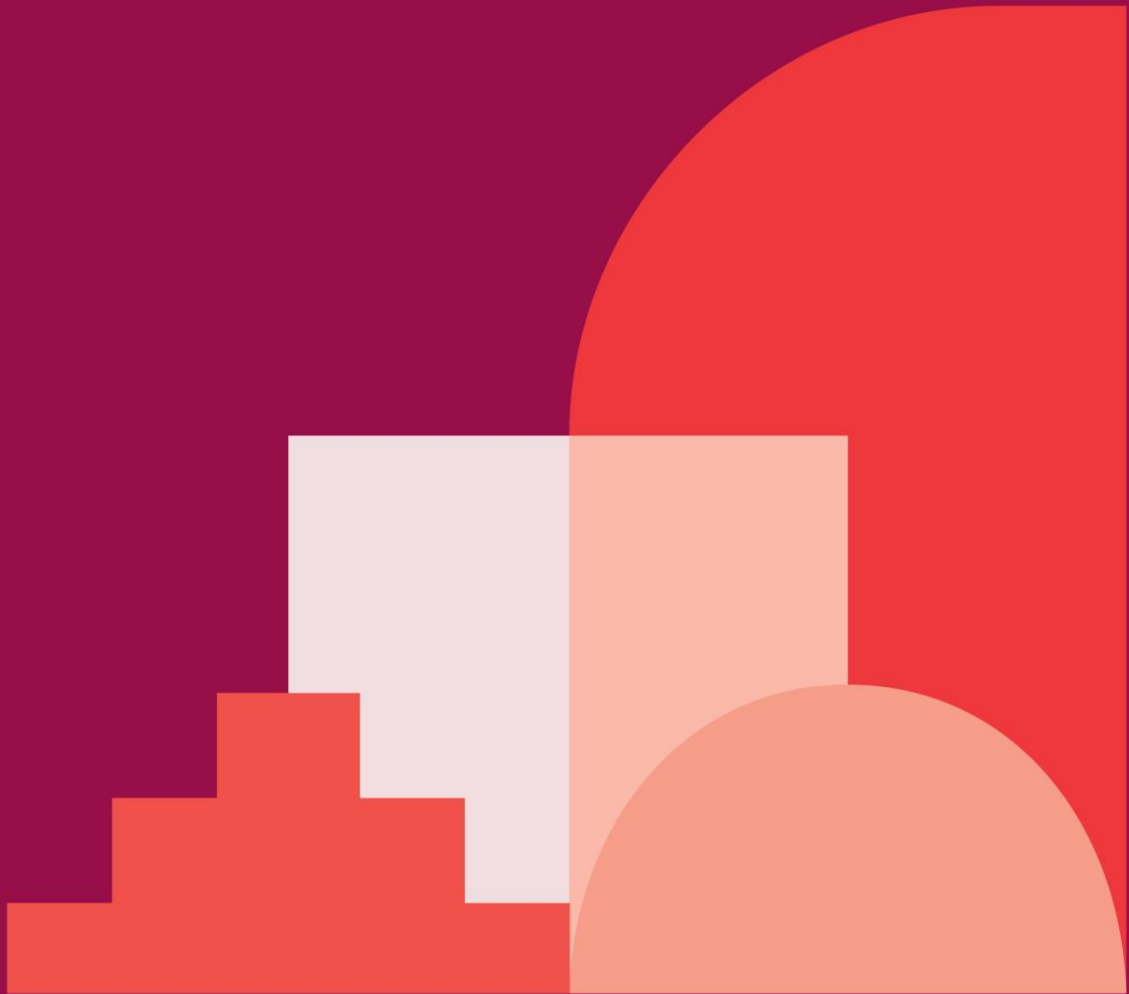


Public Access to Information Policy

VI



Title	Public Access to Information Policy
Summary	This policy outlines Council's commitment to promoting openness and transparency through the release of information held by Council to the public, in accordance with relevant legislative requirements.
Background	This policy complies with the requirements of the <i>Government Information (Public Access) Act 2009</i> .
Document Type	Policy
Relevant Strategic Plan Objective	<ul style="list-style-type: none"> Strategic Direction 5: Progressive responsive and effective civic leadership.
Legislative Reference	<ul style="list-style-type: none"> <i>Local Government Act, 1993</i> <i>Local Government (General) Regulations 2005</i> <i>Privacy and Personal Information Protection Act 1998</i> <i>Health Records and Information Privacy Act 2002</i> <i>Copyright Act 1968 (Cth)</i> <i>Environmental Planning and Assessment Act, 1979</i> <i>Ombudsman Act 1974</i> <i>Independent Commission Against Corruption Act, 1988</i> <i>State Records Act 1998</i> <i>Companion Animals Act 1998</i> <i>Government Information (Public Access) Act 2009 (GIPA Act)</i> <i>Government Information (Public Access) Regulation 2009</i>
Related Council Documents	<ul style="list-style-type: none"> Council's Code of Meeting Practice Council's Agency Information Guide Council's Inclusion Action Plan for People with a Disability 2017-2021 Model Code of Conduct Schedule of Fees and Charges — Governance, Compliance and Delegations Framework
Version Control	See last page

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1 Purpose

This policy outlines Council's commitment to promoting openness and transparency through the release of information held by Council to the public, in accordance with relevant legislative requirements.

2 Objectives

Council will:

- ~~f~~Facilitate access to Council information for persons with disabilities in accordance with the objectives of Council's Inclusion Action Plan ~~Inclusion Action Plan for People with a Disability 2017-2~~.
- ~~i~~Inform the community about their right to information and ~~will~~ ensure the process of applying for access is readily understood by the community.
- ~~r~~Respect the privacy of individuals when making determinations about releasing information. ~~and~~
- ~~p~~Proactively release information of interest to the public.
- ~~m~~Make information readily accessible to the community and ~~will~~ respond to applications for information within the timeframes indicated.
- ~~a~~Apply fair and reasonable charges for access to information.
- ~~e~~Consider the overriding public interest test when responding to public access to information requests. ~~and~~
- ~~p~~Promote ~~staff~~ awareness within Council of Council's information access responsibilities.

3 Scope

This ~~P~~Policy applies to requests received from the public to access information held by Council. All ~~Council Officials~~staff employed by Council have obligations under the GIPA Act. Council Officials to whom a delegation has been made ~~Delegated staff~~ have additional responsibilities under the GIPA Act (refer to Section 7 – Responsibilities).

4 Definitions

In the Public Access to Information Policy, the following terms have the following meanings:

Term	Meaning
<u>Council committee member</u>	<u>A person other than a Councillor or Council Officer who is a member of a Council committee other than a wholly advisory committee, and</u>

a person other than a Councillor who is a member of Council's Audit, Risk and Improvement Committee.

Council Information

Information contained in a Record held by Council.

Councillor

Inner West Council elected representative.

Council Officer

Inner West Council members of staff (including full-time, part-time, casual and contracted staff).

Council Official

Councillors, Council Officers, Council committee members and delegates of Council.

GIPA Act

Government Information (Public Access) Act 2009

Government Information

Government Information is defined in ssection 4 of the GIPA Act as meaning "information contained in a record held by an agency".

PPIP Act

Privacy and Personal Information Protection Act 1998

Record

A record is defined in Schedule 4 of the GIPA Act as "...any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means".

5 Statement

Council is committed to promoting openness and transparency in the conduct of Council's public functions, decision making, initiatives, operations and plans. Council acknowledges that the information held by Council ~~generates~~provides a high level of interest within the community and to individuals on a personal level.

Council is committed to a presumption in favour of the disclosure of information unless there is an overriding public interest against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.

Council is committed to complying with relevant regulatory requirements such as those contained in the ~~Government Information (Public Access) Act 2009~~ (GIPA Act) and the ~~PPIP Act~~Privacy and Personal Information Protection Act 1998 when releasing Council held information, either proactively or in response to requests for information. If withholding information (in full, or in part), Council will document the reasons for withholding the requested information.

6 Policy

Right to Access Information

A person may access Council's information in accordance with the GIPA Act, the Agency Information Guide and other relevant legislation. Councillors have the same right of access as any other person under this policy, as well as additional rights in relation to information which is necessary for Councillors to access to carry out their civic duties.

Council exercises its discretion when determining the format in which requested information is released and when determining whether an informal or a formal access application is required when requesting information from Council.

Information held by Council

In accordance with the requirements of section 20 of the GIPA Act, Council's Agency Information Guide provides the public with an understanding of the type of information held by Council and how this information can be accessed. This policy is to be read in conjunction with Council's Agency Information Guide.

How can Council Information be accessed?

Under~~In~~ accordance with the GIPA Act, information can be accessed in the following ways:

1. **Mandatory proactive release / open access information** – Council must publish certain information on its website free of charge or make it available in another way free of charge. This is known as open access information. A list of open access information is provided in Council's Agency Information Guide, at Appendix B.
2. **Authorised proactive release** – Council may choose to make information (in addition to mandatory release) available on its website or by other means free of charge. For example: frequently requested information or information of public interest. Council's The Agency Information Guide provides guidance as to the categories of information made available by Council as an authorised proactive release (refer to section 8.2 and Appendix C of the Agency Information Guide).
3. **Informal release** – ~~if~~ Council information is not publicly available (such as on the website) but can be quickly and easily collated and does not include other's personal or business information, it will generally be released informally upon request. There may be a charge imposed for scanning and/or printing where such information release is large and administratively burdensome to Council. There may be a cost associated with informal release as provided in Council's Fees and Charges. Refer to section 8.3 of the Agency Information Guide.
4. **Release subject to a formal access application** – ~~in~~ limited circumstances a formal application will need to be made to access information held by Council, usually

where the information contains the personal or business affairs of third parties and/or requires a substantial amount of research. Council is not required to release information where the public interest against release outweighs the public interest for release. [Refer to section 8.4 of the Agency Information Guide.](#)

~~Informal Access Applications~~

~~Council may release information in response to an informal access application when the information sought:~~

- ~~• is information that is classified as mandatory or authorised proactive release~~
- ~~• is information for which there is conclusive presumption of overriding public interest in favour of disclosure~~
- ~~• does not affect the personal or business affairs of a third party; or~~
- ~~• does not require a significant amount of Council resources to process.~~

~~Council is committed to releasing to the public as much information as possible informally. There is no charge for making an informal access application. However, in accordance with Clause 4 of the *Government Information (Public Access) Regulation*, Council may charge a fee for the reasonable cost of copying the requested information. Fees are listed in Council's *Pricing Policy and Fees and Charges*. Fees received from access to information requests (including application and copying fees) will be used to improve access to Council held information. Council's service standard for processing informal access requests is up to 20 business days.~~

~~Formal Access Applications~~

~~Council retains the discretion to require a formal access application in certain circumstances such as where requests are for sensitive information, for ambiguous requests, requests requiring Council to consult with third parties over their personal or business affairs, or for requests that require a significant diversion of Council resources.~~

~~Formal access applications are acknowledged and determined within the statutory periods prescribed by Section 57 of the *GIPA Act*. Formal access applications will be assessed in accordance with the public interest test (Division 2 of the *GIPA Act*). Where there are public interest considerations, Council carries out consultation with relevant third parties before making a determination, in accordance with Section 54 of the *GIPA Act*.~~

~~Processing charges, as prescribed in Division 5 of the *GIPA Act*, apply to formal public access applications. Initial and additional processing charges are applied in accordance with Section 64 of the *GIPA Act*. Applicants will be advised of the charges likely to be applied to their application at the time Council acknowledges receipt of the application.~~

~~Council will provide access to information in a form that complies with Sections 72 and 73 of the GIPA Act. Where it is determined that access to information is not to be given, details will be provided in writing (including reasons) to the person requesting the information.~~

Public Interest Test

Providing access to government information is restricted only when there is an overriding public interest against disclosure. Schedule 1 of the GIPA Act lists the conclusive considerations against disclosure. In addition, ~~S~~section 14 of the GIPA Act lists the discretionary considerations against disclosure. [Refer to section 8.7 of the Agency Information Guide.](#)

Right of Review and Appeal of Council's Decisions

If a member of the public is dissatisfied with Council's determination of their application, and it falls within the scope of reviewable decisions under the GIPA Act, they may seek to have Council's decision reviewed in accordance with the provisions contained within Part 5 of the GIPA Act. [Refer to section 10 of the Agency Information Guide.](#)

7 Responsibilities

~~Delegation 2.1 Access to Information: to exercise any Certain Council Officials have delegated functions under the GIPA Act and the PPIP Act pertaining to the public's access to Council Information, function under the Government Information (Public Access) Act 2009 and / or the Privacy and Personal Information Protection Act 1998.~~

~~Delegated Officers: Group Manager Information and Communications Technology (proposed)~~

~~Business Information Services Manager~~

~~Right to Information Coordinator~~ [refer to the Governance, Compliance and Delegations Framework.](#)

8 Breaches of this Policy

Breaches of this policy may result in an investigation of the alleged breach in line with relevant Council policies including the Model Code of Conduct.

Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

9 Administrative Changes

From time-to-time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made including branding, Council Officer titles or department changes and legislative name or title changes which are considered minor in nature and not required to be formally endorsed.

10 Version Control – Policy History

This policy will be formally reviewed every three years from the date of adoption or as required.

Governance use only:

Document	Public Access to Information Policy	<i>Uncontrolled Copy When Printed</i>	
Custodian	Senior Manager Governance and Risk	Version #	Version 1
Adopted By	Council	ECM Document #	28020607
Next Review Date	TBD		

Amended by	Changes made	Date Adopted
Business Information Services	New Policy	6 November 2018
Governance and Risk	Reviewed, in conjunction with new legislation and the development of the Privacy and Data Breach Policies	TBD