

Council Policy

Access to Information

Policy Statement

Council is committed to:

- Openness and transparency in the conduct of its public functions
- Pro-active disclosure and dissemination of information about operations, plans and decisions or information that will enhance quality of life and economic development of the community
- Provision of access to Council information unless disclosure in a particular case would be contrary to the public interest.

Principles

- Council will promote disclosure and dissemination of information about operations, plans and decisions, and information that promotes community advancement on its website wherever practicable, and will facilitate public access through this and other appropriate mediums.
- Information required by law to be available for public inspection will be posted on the website, unless internet access poses an unacceptable risk of interference with privacy through potential data gathering and matching techniques.
- Any person is entitled to have information about their place of residence suppressed from documents available for inspection where disclosure would endanger personal safety, or removed from any register available for public inspection in accordance with the NSW Privacy and Personal Information Protection Act.
- Other Council information not posted on the website will be available for inspection unless disclosure on balance is contrary to the public interest.
- Copying of some information may be restricted where the Copyright Act imposes limitations.
- Council Guidelines on Access to Information will list the types of information available including public registers available for inspection.
- The Guidelines will also list the categories of information not available because of legislative restrictions or because disclosure is likely to be contrary to the public interest. Documents of this kind include those that contain information about the personal affairs of other ratepayers, commercially sensitive information, or information which if disclosed would have an adverse effect on Council's law enforcement or other functions, such as the identifying particulars of complainants.

As per Government Information (Public Access) Act requirements, Council information will be made available to the public in the following ways:

<p>1. Mandatory disclosure of open access information – information published on Council's website to comply with Sections 6 & 18 of the GIPA Act.</p>	<p>2. Proactive release – information that Council chooses to disclose without there being a legal requirement to do so as per Section 7 of the GIPA Act.</p>
<p>3. Informal release – information released in response to a request without requiring a formal application as per Section 8 of the GIPA Act.</p>	<p>4. Formal access application – Information that is released to a member of the public upon submitting a formal application after public interest considerations have been taken into account.</p>

Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests, or from performing other Council functions may be refused on the grounds that such a diversion of resources is contrary to the public interest.

Any individual has a right to know what personal or health information Council holds about him or her, to access that information in accordance with the provisions of the NSW Privacy and Personal Information Protection Act and the NSW Health Records and Information Privacy Act, and to amend that information in certain circumstances.

Councillors need to have access to information held by Council to help them make informed decisions on matters under their consideration. This information should be relevant and appropriate to the discharge of their obligations e.g. records relating to matters before Council or due to be listed.

Councillors wishing to access records in relation to a matter of personal interest have the same rights as other members of the public. Access may be obtained, for example, under the:

- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- State Records Act 1998, or
- Government Information (Public Access) Act 2009.

Councillors are required to capture records under the *State Records Act 1998*. The main responsibility that Councillors have under this legislation is to ensure that *State Records* are captured into Council's electronic document and records management system.

A *State Record* is defined as *any record made or received when exercising an official function of a public office*.

Councillors are briefed in relation to their recordkeeping responsibilities as part of their induction.

The General Manager has authority to approve Guidelines for Information Access, which is to be available to members of the public.

Scope and application

This policy applies to all employees, agents and officers of Northern Beaches Council, along with all Councillors.

References and related documents

- [Government Information \(Public Access\) Act 2009](#)
- [Environmental Planning and Assessment Act 1979](#)
- [Privacy and Personal Information Protection Act 1998](#)
- [Health Records and Information Privacy Act 2002](#)
- [Copyright Act 1968](#)

Definitions

Nil

Responsible Officer

Chief Information Officer

Review Date

May 2021

Revision History

Revision	Date	Change	HPE CM Ref
1	25/7/2017	Policy adopted by Council with no changes following exhibition	2017/128391