

RIGHT TO INFORMATION POLICY

1. POLICY STATEMENT

The *Right to Information Act 2009* extends the right of the community to have access to information held by State Government Departments, Local and Public Authorities with a view to achieving more open, accountable and transparent government. Croydon Shire Council, as a Local Authority, is subject to the *Right to Information Act 2009* ("the Act") and accordingly acknowledges the right of the public to:

- obtain information about Council's structure, policies and activities unless disclosure would, on balance, be contrary to the public interest;
- ensure that personal information held about them by Council is accurate and complete.

2. PRINCIPLES

To ensure that members of the public have a right of access to documents held by the Council subject to those exemptions defined in the Act.

3. SCOPE

This policy applies to all Councillors, Council personnel and members of the public.

4. RESPONSIBILITY

Under the Act, the Chief Executive Officer is the 'principal officer' and is the person responsible for determining the outcome of RTI applications. The Chief Executive Officer has delegated this power to other council personnel as outlined below. The RTI Officer is responsible for making initial decisions regarding the release of documents within the time periods stipulated in the Act. In this function, the RTI officer may deal with prospective RTI applicants and liaise with service units regarding access to documents. Under the Act, the RTI Officer is authorised to enter into a confidential relationship with applicants or prospective applicants and is not required to reveal the identity of an applicant to another staff member without the express agreement of the applicant.

Executive managers and officers in charge of individual service units are responsible for establishing procedures to locate information held in their areas. In the event that information cannot be located, a written statement must be provided to the RTI Officer indicating that the information cannot be located and that reasonable steps have been taken to locate the information.

The Chief Executive Officer or delegate, as Review Officer, is responsible for formal internal reviews of decisions made by the RTI Officer, if requested by the applicant.

5. DEFINITIONS

Council – means Croydon Shire Council.

Disclosure log – is a list of documents released following a decision about an application for access under the Act, which is published on council's website.

Documents – The Act defines ‘document’ as a document in the possession, or under the control of Council whether brought into existence or received in the council, and includes:

- a document to which Council is entitled to access; and
- a document in the possession, or under the control, of an officer of Council in the officer’s official capacity. Documents include:
- any paper or other material on which there is writing;
- any paper or other material on which there are marks, figures, symbols or perforations having a meaning for a person qualified to interpret them; and
- any disc, tape or other article or any material from which sounds, images, writings or messages are capable of being produced or reproduced (with or without the aid of another article or device).

RTI Act – is the Right to Information Act 2009 (and Regulation), a Queensland Act.

Personal Information – documents which contain information of private concern to an individual, such as medical history, family or domestic relationships, income, assets, financial records or social welfare entitlements. A document is not a “personal information” document if it merely contains reference to a person’s name.

Publication Scheme – sets out the kinds of information that council has available and the terms on which it will make the information available, including any charges that may be necessary.

6. POLICY

Council is committed to providing, as far as possible an open, accountable and transparent environment which enables members of the public access to council documents which do not require recourse to formal procedures in the Act. This will benefit in facilitating disclosure with minimum administrative delay and cost. However, there will be occasions when it is necessary or appropriate to make an application under the Act, for instance, where third party or sensitive non-personal information is requested, or where there are grounds for considering that the documents may be exempt from access under the Act.

Publication Scheme

Council will publish a Publication Scheme that explains the information that the public can access. This scheme sets out classes of information and the terms on which Council will make the information available. This will be a living document and requires regular review to ensure it is current and accurate. Documents to be listed in the Publication Scheme include:

Class of Information Required to be Available		How Council Currently Addresses This
About us	Who we are and what we do	History of Organisation Councillors Organisational Structure Committee Structure Annual Report Media Releases Documents held by Council
Our Services	The services we offer	As defined in Operational Plan
Our Finances	What we spend and how we spend it	Budget Tenders and Procurement
Our Priorities	What our priorities are and how we are doing	Corporate Plan and Operational Plan Planning Scheme
Our Decisions	How we make decisions	Local Laws Council Functions and Powers Meetings of Council Council Minutes Statutory Bodies Delegations Code of Conduct
Our Policies	Our policies and procedures	Policies listed on internet
Our Lists	Lists and registers	Legislative Registers Disclosure Logs Delegations

Exemptions

The Act contains exemptions to access of information that may not be in the public interest to disclose because it would be prejudicial to essential public interests or the personal or business affairs of individuals or agencies.

Amendment of Personal Information

Individuals have the right to seek amendment of personal information held about them where it is considered to be inaccurate, incomplete, out-of-date or misleading. Amendment of information does not extend to deletion or destruction of records.

Charging

Where formal applications under the Act are made, the fees and charges specified in the *Right to Information Regulation 2009* ("the Regulation") will be applied by Council.

Disclosure Log

Council will develop and make publicly available a Disclosure Log, which will contain information disclosed to applicants under the Act. As required under the Act, information will be published on the Disclosure Log no sooner than 24 hours after it is accessed by the applicant, but no later than five business days after access.

Review and Appeal

The RTI Officer will provide to the applicant reasons for decisions not to release documents, to give only partial access to documents, or to refuse to amend personal affairs information. The applicant can request an internal review which will be done by an internal review officer. Further external review by the Queensland Information Commissioner is also available if the applicant still does not agree with the internal review.

7. LEGAL PARAMETERS

Right to Information Act 2009
Right to Information Regulation 2009
Information Privacy Act 2009
Information Privacy Regulation 2009
Acts Interpretation Act 1954
Public Records Act 2002