

## Access to Information Policy

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Access to Information Policy

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# Contents

<b>1</b>	<b>Introduction .....</b>	<b>4</b>
1.1	Background .....	4
1.2	Definitions .....	4
1.3	Policy statement.....	5
1.4	Scope of policy.....	5
<b>2</b>	<b>Policy implementation .....</b>	<b>5</b>
2.1	Policy responsibilities .....	5
2.1.1	Manager Governance & Risk.....	5
2.1.2	Information Officers .....	5
2.1.3	Customer Service Officers (including Rates Enquiry Officers) .....	5
2.1.4	All Council Officials .....	6
2.2	Procedures.....	6
<b>3</b>	<b>Document control.....</b>	<b>7</b>
3.1	Review .....	7
3.2	Related documents .....	7
3.3	Version history .....	7

# 1 Introduction

## 1.1 Background

The objective of this policy is to describe Council's principles regarding public access to information and to facilitate the processing of requests for such access. This policy is to be read in conjunction with the Access to Information Guidelines.

## 1.2 Definitions

The following definitions apply in this Policy:

***Council***

Bayside Council

***Council officials***

Councillors, members of the staff of Council, contractors and delegates of Council

***Disclose information***

Making information available for release or provide access to information

***GIPA Act, or GIPAA***

The Government Information (Public Access) Act 2009

***Formal Access Application***

Valid application for access to government information under Part 4 of the GIPA Act

***Open Access Information***

Records containing government information which is publicly available

***Government Information***

Any information contained in a record held by Council:

- paper or other material on which there is writing,
- paper or other material on which there are marks, figures, symbols or perforations having a meaning for a person qualified to interpret them,
- disc, tape or other article or any material from which sounds, images, writings or messages are capable of being produced or reproduced (with or within the aid of another article or device)
- information produced by an electronic process

***Disclosure Log***

List of documents released following a decision about a valid access application under the Act, which is published on Council's website

***Contracts Register***

A register of government contracts that records information about each government contract to which Council is a party as required by the GIPA Act

***Publication Guide***

A document that sets out the kinds of information that Council makes publicly available and routinely publishes on the website

### ***Personal Information***

Information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion (definition from NSW PIPPA 1998)

## **1.3 Policy statement**

Bayside Council is committed to the following principles regarding public access to documents and information:

- Openness and transparency in the conduct of its public functions
- Respect for the privacy of individuals
- Consideration of the overriding public interest in relation to access requests
- Proactive disclosure and dissemination of information about operations, plans and decisions that will enhance quality of life and economic development of the community
- Respect the commercial value of information and copyright provisions

## **1.4 Scope of policy**

This Policy applies to all members of the public wishing to access Council Information and all Council officials.

# **2 Policy implementation**

## **2.1 Policy responsibilities**

### **2.1.1 Manager Governance & Risk**

Responsible for the overall implementation of this policy and for Internal Reviews.

### **2.1.2 Information Officers**

Responsible for:

- Processing informal requests
- Processing formal access applications
- Making decisions regarding the release of information within the timeframes stipulated in the GIPA Act
- Providing assistance to the applicants with invalid applications
- Searching for information held by Council
- Maintaining and updating of Council's Publication Guide and Disclosure Log

### **2.1.3 Customer Service Officers (including Rates Enquiry Officers)**

Responsible for:

- Receiving applications
- Answering incoming information enquiries
- Releasing information held by Council through authorised proactive release

- Providing information to the public as prescribed by the Bayside Publication Referral Infosheet

#### **2.1.4 All Council Officials**

Responsible for ensuring the security of all Council records, protecting the privacy of individuals and responding to ad hoc requests in line with Council's Publication Referral Infosheet or referring requests to the appropriate officer.

## **2.2 Procedures**

Council publishes specific open access information on its website, free of charge unless to do so would impose unreasonable additional costs to Council. Council facilitates public access through this and other appropriate mediums. Also Council publishes for inspection documents listed under Government Information (Public Access) Regulation 2010, unless there is an overriding public interest against disclosure. Council keeps a record of all open access information that is not published because of an overriding public interest against disclosure.

Council also makes as much other relevant information publicly available in an appropriate manner, including publishing on the internet. Such information will also be made available free of charge or at the lowest reasonable cost.

Council's Publication Guide supports this policy and identifies the documents and types of information that are available for public access and any restrictions that may apply. Some documents may require a formal access application in accordance with the Government Information (Public Access) Act 2009. Council assesses all requests for access to documents and information in a timely manner and in accordance with the Publication Guide and relevant legislation.

Depending upon the nature of the request and the form of access requested charges may be applied in accordance with Council's Schedule of Fees & Charges and relevant legislation.

Council assesses requests for access to information with reference to:

- Government Information (Public Access) Act 2009
- Government Information (Public Access) Regulation 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- State Records Act 1998
- Local Government Act 1993
- Environmental Planning and Assessment (EPA) Act 1979
- Companion Animals Act 1998

and any other relevant legislation and guidelines as applicable.

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. In these circumstances, Council endeavours to assist in defining the request to a more manageable one. Council also endeavours to release other relevant information in

response to an informal request, subject to any reasonable conditions Council may impose having regard to the circumstances of the case.

Where information is released to an applicant under a formal access application and Council considers that it will be of interest to other members of the public, Council provides details of the information in a disclosure log for inspection by the public.

The General Manager may approve additional procedures that support this policy, which is to be available to members of the public.

## **3 Document control**

### **3.1 Review**

This Policy is reviewed at least every four years. Minor editorial amendments to this policy and those resulting from legislative changes may be approved by the General Manager.

### **3.2 Related documents**

- Government Information (Public Access) Act 2009
- Government Information (Public Access) Regulation 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- State Records Act 1998
- Local Government Act 1993
- Environmental Planning and Assessment (EPA) Act 1979
- Companion Animals Act 1998
- Bayside Council Access to Information Procedure
- Bayside Council Publication Referral Infosheet

### **3.3 Version history**

This document replaces City of Botany Bay Government Information (Public Access) Act 2009 Policy and the Rockdale City Council Access to Information Policy, 21 September 2011.

<b>Version</b>	<b>Release Date</b>	<b>Author</b>	<b>Reason for Change</b>
1.0	14/02/2018	Information Officer	New document