



POLICY NO.	CPIMT2
POLICY TITLE	Access to Information Policy
STATUS	Council
SERVICE	Information Management and Technology
DOCUMENT ID	664255

## PURPOSE

The purpose of this policy is to describe Council's principles regarding public access to information and to outline the process for managing such requests in accordance with the *Government Information (Public Access) Act 2009* (GIPA Act).

## SCOPE

This policy applies to all Council representatives, and covers all situations where members of the public seek information or copies of documents from Council regardless of their format or type.

## DEFINITIONS

<b>Agency Information Guide (AIG)</b>	An AIG is required under section 20 of the GIPA Act. The purpose of the AIG is to provide information on Council's structure and functions, and how functions including decision making affect members of the public. The AIG specifies arrangements to enable members of the public to participate in the formulation of policy and the exercise of the functions, and outlines the kinds of information held by Council, what information will be made publicly available and how.
<b>Council representative</b>	Councillors, contractors, consultants, volunteers, delegates of the Council and members of Council committees who represent or act on behalf of Hunters Hill Council.
<b>CPA direction</b>	A direction that a record is closed to public access under the <i>State Records Act 1998</i> .
<b>Disclosure log</b>	A disclosure log is a record containing details of government information already released under the GIPA Act, and is a requirement under Section 25 of the GIPA Act.
<b>GIPA Act</b>	The GIPA Act applies all NSW government agencies, including Councils and establishes a proactive and open approach to gaining access to government information. The objects of the act are to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective.
<b>Government information</b>	The GIPA Act, defines <i>government information</i> as information contained in a record held by an agency.
<b>Redaction</b>	The process of removing words or information from a document before it is made available.

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<b>Right to Information Officer</b>	Right to Information Officers (RIOs) are government agency staff who have been given specific authority and responsibility to meet some of their agency's day-to-day obligations under the GIPA Act.
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## **POLICY STATEMENT**

### **1. PRINCIPLES**

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

- open and transparent government
- presumption in favour of disclosure, unless there is an overriding public interest against disclosure
- proactive disclosure and dissemination of information
- respect for the privacy of individuals.

### **2. LEGISLATION**

The primary legislative provisions regarding Access to Information are:

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

### **3. OPEN ACCESS INFORMATION**

Council publishes specific open access information on our website, free of charge unless to do so would impose unreasonable additional costs to Council. This includes, but is not limited to information outlined in [Section 18 of the GIPA Act](#) and the [Government Information \(Public Access\) Regulation 2018](#).

In accordance with Section 7 of the GIPA Act, Council is committed to the proactive release of other information, unless there is an overriding public interest against disclosure. Council will annually review and identify any additional kinds of information that can be made publicly available free of charge or at the lowest reasonable cost.

State Records that are at least 20 years old, are open access in accordance with Part 6 of the *State Records Act 1998* unless they are subject to a CPA direction.

### **4. INFORMAL ACCESS TO INFORMATION**

Any member of the public can request access to information that is not publicly available on Council's website, by completing the Informal Request for Access to Information application form.

There is no application fee for informal requests, however, an hourly reproduction fee applies to any request that requires photocopying, scanning or ordering of files from records repositories, in accordance with Council's adopted fees and charges. Council will notify the applicant of any applicable fees following an initial review of the application.

Council's Right to Information Officer may reduce or waive a fee at their discretion, taking into consideration the nature of the request and the type of information that is sought.

Informal requests for access to information will be processed as soon as practicable, however, in some circumstances this may take up to 20 working days.

## **5. FORMAL ACCESS TO INFORMATION**

In some circumstances, a request for information may require a formal access application in accordance with the GIPA Act. Council will assess all requests for access to documents and information in accordance with Council's Agency Information Guide and all relevant legislation.

Council has a responsibility to process formal application's as soon as possible and provide the applicant with a decision within 20 working days after the application is received. This period may be extended further by 15 days if special circumstances apply, such as the need to consult with a third party or when records need to be retrieved from archives.

Council may refuse any request that is broad or that requests a large number of unspecified documents, that may require unreasonable and substantial diversion of Council resources. In these circumstances, the applicant will be asked to review or reduce the scope of their request.

Where information is released to an applicant under a formal access application, and Council deem this to be of interest to other members of the public, Council will provide details of the information in a disclosure log.

In accordance with Section 64 of the GIPA Act, a \$30 application fee is applicable to all formal applications and counts as payment for the first hour of processing. Council will also charge a rate of \$30 for each hour of processing time.

Council may reduce or waiver fees or payable charges as they deem appropriate, subject to regulations as outlined in Section 65, 66 and 127 of the GIPA Act.

## **6. COUNCILLOR ACCESS TO INFORMATION**

Councillors must direct all requests for access to information necessary to undertake their official functions, in writing, using their official email address to the General Manager or delegated Director.

Councillors who have a private interest only in council information have the same rights of access as any member of the public.

Further information regarding Councillors rights for access to information and Council resources can be found in Section 8 of Council's Code of Conduct.

## **7. COPYRIGHT**

Many of the records held by Council are the subject of copyright, even if the information is deemed open access information. For example, the majority of plans and reports submitted with development applications are subject to copyright and cannot be reproduced without written consent from the copyright holder.

Where Council receives a request for information that is copyright protected, Council may:

- provide the applicant with the copyright holders details
- make the information available for viewing purposes only.

Applicants are advised to seek the consent of the copyright holder before reproducing the information in any way.

## 8. RESTRICTION OR REFUSAL OF ACCESS TO INFORMATION

Council will refuse or restrict access to any information where there is an overriding public interest against disclosure of the information, in accordance with Section 14 and Schedule 1 of the GIPA Act.

Council will refuse access to any document, or section of a document containing:

- personnel matters concerning staff members or particular individuals
- personal hardship of any resident or ratepayer
- personal details of complainants (this does not personal details contained in submissions to development applications)
- information that if disclosed would contravene the principles of the *Privacy and Personal Information Protection Act 1998* or *Health Records and Information Privacy Act 2002*.
- matters of Council meetings closed to the public in accordance with section 10A of the *Local Government Act 1993*.

Where Council receives an informal request for access to information and upon initial review determines that access may need to be restricted or refused, Council will restrict information by means of redaction or reject the application and advise the applicant to submit a formal application.

If a formal request for access to information is refused or restricted, the applicant can seek an internal review from Council. The request for an internal review must be made within 20 days of the original decision, and requires payment of a \$40 application fee. Internal reviews are undertaken by a senior officer and in accordance with Part 5, Division 2 of the GIPA Act.

## 9. REPORTING

Council uses the Information and Privacy Commission GIPA Reporting tool for further management and recording of Access to Information decisions. Designated Council Officers will utilise this tool to record the details and decisions in relation to information release.

The Right to Information Officer will report to Council as required and in Council's Annual Report.

## RELATED POLICIES/PROCEDURES

- Hunter's Hill Council Agency Information Guide
- Hunter's Hill Council Code of Conduct
- Hunter's Hill Council Privacy Management Plan
- Hunter's Hill Council Records Management Policy and Program

## POLICY AUTHORITY

Council.

## GETTING HELP

For further information regarding this policy please contact Manager Digital and Customer Information.

## REVIEW

This policy to be reviewed every two (2) years or in accordance with legislative changes.

## ADOPTED BY COUNCIL/EXECUTIVE:

DATE: 29 April 2024  
RESOLUTION NO: 014/24

## VERSION CONTROL TABLE

DATE	VERSION	RES. NO.	KEY CHANGES	AUTHOR
26 June 2006	1.0	263/06	Adoption of policy by Council	D. McFayden
15 June 2010	1.1	164/10	Amendments changes to legislation.	D. McFayden
29 April 2024	2.0	014/24	Major review, policy name changed from Access to Information and Access to Information held by Council.	J. Reed, Manager Digital and Customer Information