

Directorate:	Financial and Administration	Date Adopted:	23 March 2017
Responsibility:	Governance Section	Date Last Changed:	
Trim Reference:		Last Review Date:	14 October 2016
Classification:	Council	Next Review Date:	October 2019

BACKGROUND AND OBJECTIVE

1. Facilitate transparency in Council decision making processes.
2. Provide to increase the open access to information held by Council.
3. Engage the community about their rights to information.
4. Make information readily accessible and in a timely manner.
5. Apply fair and reasonable charges for access to information.

POLICY STATEMENT

Council is committed to comply with the requirements of the *Government Information (Public Access) Act 2009 (GIPA Act)* to ensure:

- transparency in the conduct of its public functions;
- proactive disclosure and release of information about Council's initiatives, operations, plans, decisions or information that will enhance quality of life and economic development of the community; and
- provision of access to Council information unless there is an overriding public interest against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.

SCOPE

In scope

This Policy applies to requests received from the public, to access Council held information under the *GIPA Act*.

Out of scope

This policy does not cover Council's policy on proactive release of Council information.

POLICY

Definition of "Information"

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

Categories of Information held by Council

In accordance with 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.

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 some additional rights in relation to information which is necessary for the performance of their role and enables them to do their civic duty in accordance with Council's "Councillors' Access to Information Policy."

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 at the lowest possible cost. The majority of public access to information requests received by Council relate to information associated with development and building applications. Council's Agency Information Guide lists the type of Council information that is available for informal release.

Council's service standard for processing informal access requests is up to 7 working days. Applicants will be advised when Council is unable to respond within this service standard.

There is no charge for making an informal access application. Council is committed to providing the requested information at the lowest reasonable cost. 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.

Council exercises its discretion when determining the format in which the information is released and when determining whether to delete content from the information being released when there is an overriding public interest against disclosure of parts of the information contained in the record.

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 or those requests that require a significant diversion of Council resources.

Processing charges, as prescribed in Division 5 of the *GIPA Act*, apply to formal public access applications made to Council. 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 (Division 2 of the *GIPA Act*). Where there are public interest considerations, Council carries out consultation with people before making a determination, in accordance with the provisions of Section 54 of the *GIPA Act*.

Initial and additional processing charges will be 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, Section 14 of the *GIPA Act* lists the discretionary considerations against disclosure.

Review of 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*.

RELATED LEGISLATION, POLICIES AND PROCEDURES

Legislation:

- *Government Information (Public Access) Act 2009 (GIPA Act)*
- *Government Information (Public Access) Regulation 2009*
- *Local Government Act, 1993*
- *Local Government Regulations 2005*
- *Council's Code of Meeting Practice*
- *Councillors' Access to Information Policy*
- *Council's Publication Guide*
- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- *Copyright Act 1879*
- *Environmental Planning and Assessment Act, 1979*
- *Ombudsman Act 1974*
- *Independent Commission Against Corruption Act, 1988*
- *Roads Act 1993*
- *State Records Act 1998*

DEFINITIONS

GIPA Act. *Government Information (Public Access) Act 2009*

APPROVALS

General Manager.

POLICY HISTORY

Version	Summary of Changes Made	Date Changed	Document Reference #
1	Policy adopted for use by Inner West Council	TBA	TBA