

Public Access to Information Policy

VI



Title	Public Access to Information Policy
Summary	This policy outlines Council's commitment to promoting openness and transparency through the release of information held by Council to the public, in accordance with relevant legislative requirements.
Background	This policy complies with the requirements of the <i>Government Information (Public Access) Act 2009</i> .
Document Type	Policy
Relevant Strategic Plan Objective	<ul style="list-style-type: none"> • Strategic Direction 5: Progressive responsive and effective civic leadership.
Legislative Reference	<ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Local Government (General) Regulation 2021</i> • <i>Privacy and Personal Information Protection Act 1998</i> • <i>Health Records and Information Privacy Act 2002</i> • <i>Copyright Act 1968 (Cth)</i> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Ombudsman Act 1974</i> • <i>Independent Commission Against Corruption Act 1988</i> • <i>State Records Act 1998</i> • <i>Companion Animals Act 1998</i> • <i>Government Information (Public Access) Act 2009</i> • <i>Government Information (Public Access) Regulation 2018</i>
Related Council Documents	<ul style="list-style-type: none"> • <i>Agency Information Guide</i> • <i>Model Code of Conduct</i> • <i>Governance, Compliance and Delegations Framework</i>
Version Control	See last page



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1 Purpose

This policy outlines Council’s commitment to promoting openness and transparency through the release of information held by Council to the public, in accordance with relevant legislative requirements.

2 Objectives

Council will:

- Facilitate access to Council information for persons with disabilities in accordance with the objectives of Council’s Inclusion Action Plan.
- Inform the community about their right to information and ensure the process of applying for access is readily understood by the community.
- Respect the privacy of individuals when making determinations about releasing information.
- Proactively release information of interest to the public.
- Make information readily accessible to the community and respond to applications for information within the timeframes indicated.
- Apply fair and reasonable charges for access to information.
- Consider the overriding public interest test when responding to public access to information requests.
- Promote awareness within Council of Council’s information access responsibilities.

3 Scope

This policy applies to requests received from the public to access information held by Council. All Council Officials have obligations under the GIPA Act. Council Officials to whom a delegation has been made have additional responsibilities under the GIPA Act (refer to Section 7 – Responsibilities).

4 Definitions

In the Public Access to Information Policy, the following terms have the following meanings:

Term	Meaning
Council committee member	A person other than a Councillor or Council Officer who is a member of a Council committee other than a wholly advisory committee, and a person other than a Councillor who is a member of Council’s Audit, Risk and Improvement Committee.

Council Information	Information contained in a Record held by Council.
Councillor	Inner West Council elected representative.
Council Officer	Inner West Council members of staff (including full-time, part-time, casual and contracted staff).
Council Official	Councillors, Council Officers, Council committee members and delegates of Council.
GIPA Act	<i>Government Information (Public Access) Act 2009</i>
Government Information	Government Information is defined in section 4 of the GIPA Act as meaning “information contained in a record held by an agency”.
PPIP Act	<i>Privacy and Personal Information Protection Act 1998</i>
Record	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”.

5 Statement

Council is committed to promoting openness and transparency in the conduct of Council’s public functions, decision making, initiatives, operations and plans. Council acknowledges that the information held by Council generates a high level of interest within the community and to individuals on a personal level.

Council is committed to a presumption in favour of the disclosure of information unless there is an overriding public interest against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.

Council is committed to complying with relevant regulatory requirements such as those contained in the GIPA Act and the PPIP Act when releasing Council held information, either proactively or in response to requests for information. If withholding information (in full, or in part), Council will document the reasons for withholding the requested information.

6 Policy

Right to access Information

A person may access Council 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 additional rights in relation to information which is necessary for Councillors to access to carry out their civic duties.

Council exercises its discretion when determining the format in which requested information is released and when determining whether an informal or a formal access application is required when requesting information from Council.

Information held by Council

In accordance with the requirements of 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. This policy is to be read in conjunction with Council's Agency Information Guide.

How can Council Information be accessed?

In accordance with the GIPA Act, information can be accessed in the following ways:

1. Mandatory proactive release / open access information – Council must publish certain information on its website free of charge or make it available in another way free of charge. This is known as open access information. A list of open access information is provided in Council's Agency Information Guide, at Appendix B.
2. Authorised proactive release – Council may choose to make information (in addition to mandatory release) available on its website or by other means free of charge. For example: frequently requested information or information of public interest. The Agency Information Guide provides guidance as to the categories of information made available by Council as an authorised proactive release (refer to section 8.2 and Appendix C of the Agency Information Guide).
3. Informal release – If Council information is not publicly available (such as on the website) but can be quickly and easily collated and does not include other's personal or business information, it will generally be released informally upon request. There may be a charge imposed for scanning and/or printing where such information release is large and administratively burdensome to Council. Refer to section 8.3 of the Agency Information Guide.
4. Release subject to a formal access application – In limited circumstances a formal application will need to be made to access information held by Council, usually where the information contains the personal or business affairs of third parties and/or requires a substantial amount of research. Council is not required to release



information where the public interest against release outweighs the public interest for release. Refer to section 8.4 of the Agency Information Guide.

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. Refer to section 8.7 of the Agency Information Guide.

Right of review and appeal of Council's 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. Refer to section 10 of the Agency Information Guide.

7 Responsibilities

- Certain Council Officials have delegated functions under the GIPA Act and the PPIP Act pertaining to the public's access to Council Information.

Refer to the Governance, Compliance and Delegations Framework.

8 Breaches of this Policy

Breaches of this policy may result in an investigation of the alleged breach in line with relevant Council policies including the Model Code of Conduct.

Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

9 Administrative Changes

From time-to-time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made including branding, Council Officer titles or department changes and legislative name or title changes which are considered minor in nature and not required to be formally endorsed.

10 Version Control – Policy History

This policy will be formally reviewed every three years from the date of adoption or as required.

Governance use only:

Document	Public Access to Information Policy	<i>Uncontrolled Copy When Printed</i>	
Custodian	Senior Manager Governance and Risk	Version #	Version 1
Adopted By	Council	ECM Document #	28020607
Next Review Date	21 November 2026		

Amended by	Changes made	Date Adopted
Business Information Services	New Policy	6 November 2018
Governance and Risk	Reviewed, in conjunction with new Privacy and Data Breach Policies	21 November 2023