

ADOPTED	VERSION NO	2.2
COUNCIL MEETING MIN NO: 188/22	REVIEW DATE	JUNE 2023
DATE: 15 JUNE 2022	FILE NUMBER	INM700014

## Objective

To state the Councils commitment to being open and accountable in the exercise of its functions.

To acknowledge the lawful rights of citizen's access to information held by the Council.

To provide easy to understand information about the Council, its structure and functions, and how members of the public can make representations and participate in decisions.

To provide information on how to access council information.

To comply with legislation regarding disclosure of information, in particular the Government Information (Public Access) Act (GIPA), the Local Government Act (LGA), and the Environmental Planning and Assessment Act.

Council is also subject to the NSW Privacy and Personal Information Protection Act and Health Records Information Privacy Act that establish standards for information handling practices for personal and health information.

## Legislative requirements

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

## Policy

### Policy statement

Council is committed to:

- Openness, transparency and being held accountable in the exercise of its functions.
- Proactive disclosure and dissemination of information about operations, plans and decisions of Council.
- Providing opportunities for representations and personal participation in council decision making and functions.
- The provision of access to Council documents unless disclosure in a particular case would be contrary to the public interest.

## Commitments

Council will promote disclosure and dissemination of information about operations, plans and decisions, and information that promotes community advancement on its website wherever practicable, and will actively facilitate public access to information held by the council.

Documents required by law to be available for public inspection will be posted on the website, unless internet access poses an unacceptable risk of interference with privacy through potential data gathering and matching techniques or unless to do so would impose unreasonable additional costs on Council.

Any person is entitled to have information about their place of residence suppressed from documents available for inspection where disclosure would endanger personal safety, or removed from any register available for public inspection in accordance with the NSW Privacy and Personal Information Protection Act.

Other Council documents not posted on the website will be available for inspection unless disclosure on balance is contrary to the public interest.

Formal applications under the GIPA Act will not be required where documents are otherwise available under other legislation. Any member of the public may lodge a formal GIPA application, where information is not made available by other means, which will be dealt with in accordance with the Act's provisions.

Any individual has a lawful right to know what personal or health information Council holds about him or her, to access that information in accordance with the provisions of the NSW Privacy and Personal Information Protection Act and the NSW Health Records and Information Privacy Act, and to amend that information in certain circumstances.

## Limitations

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 (Clause 60 GIPA Act).

## Agency Information Guide

Council has published an Agency Information Guide to assist members of the public in understanding the types of information that is available from the council and how that information is made available.

The Agency Information Guide is available at Councils Administration Centre's and from the council's website.

The Agency Information Guide also lists the categories of documents not available because of legislative restrictions or because disclosure is likely to be contrary to the public interest. Documents of this kind include those that contain information about the personal affairs of other ratepayers, commercially sensitive information, or information which if disclosed would have an adverse effect on Council's law enforcement or other functions, such as the identifying particulars of complainants.