



# Brighton Council

**POLICY NAME:** Access to Information

**POLICY NO:** AP25

## **PURPOSE OF POLICY:**

The *Right to Information Act 2009 (RTI)* extends the right of the community to have access to information held by local authorities with a view to achieving more open, accountable and transparent government. As a local authority, Brighton Council is subject to the RTI and accordingly acknowledges the right of the public to:-

- Obtain information held by Council;
- Obtain information about Council's structure, policies and activities unless disclosure would, on balance, be contrary to the public interest;
- Ensure that personal information held about them by Council is accurate and complete.

Section 23 of the *Right to Information 2009 (RTI) Act* requires the General Manager as principal officer to prepare policies and procedures for the release of information under the Act.

The RTI provides greater access to information held by Government bodies.

This Policy is adopted by Council to further the Act and explains the disclosure policy for Brighton for the four types of information disclosures specified in Section 12(2) of the Act being:-

- Required disclosure
- Routine disclosure
- Active disclosure; and
- Assessed disclosure

Under Section 205(1)(d) of the *Local Government Act 1993* Council may impose fees and charges in respect of providing information or materials, or providing copies of, or extracts from records of Council. These fees and charges are adopted by Council annually in June.

## **SCOPE:**

Members of the public.

## **POLICY:**

The following will guide Brighton Council Right to Information officers in making decisions about what information is released taking into consideration Section 205(1)(d) of the *Local Government Act 1993*, and the method of making that information available:

- Brighton will make official information in its possession publicly available when it is relevant, appropriate and in the public interest to do so and not subject to an exemption set out in the Act e.g Annual Report.
- Some of the information that Brighton holds is not able to be released because it is Excluded Information e.g. In Committee matters.
- Application for personal information by an individual to whom the personal information relates should be dealt with under the *Personal Information Protection Act 2004*.
- Information that is not otherwise Excluded Information or otherwise made available under the Act may be purchased and fees may apply for processing requests for information in accordance with Council's annual fees and charges.
- Information will be considered or released in accordance with the Disclosure Principles in this Policy.
- Delegated officers who are involved in the release of information to the public will make decisions which are consistent with the objects and provisions of the Act.

### **Disclosure Principles**

#### Required Disclosure:

Examples of Required Disclosure includes publication of information such as strategic plans, annual plans, annual reports and other reports which Brighton must make available under Law.

Information released under Required Disclosure will be made available at Council's website or Council Offices, Old Beach.

#### Routine Disclosure

Is the disclosure of information by a public authority which the public authority decides may be of interest to the public, where the disclosure is not one of the other three types of disclosures eg Brighton 2040, Recreation plan etc.

#### Active disclosure

Is the disclosure of information by a public authority in response to a request from a person made otherwise than under the provisions of the Act which outline the process for assessed disclosure i.e. the voluntary release of information on receipt of a request.

This is the informal release of information on request and is usually made by phone calls, emails or correspondence.

Assessed disclosure

Is the disclosure in response to a formal application for the information under the RTI following assessment of the application and of the information requested, in order to determine whether the applicant has a right to the information under the Act.

It is specifically provided in Section 12(3) of the Act that assessed disclosure is the method of disclosure of last resort i.e. where possible Council should be making information voluntarily available and so reducing the need for assessed disclosure. Or provide information under Section 205(1)(d) of the *Local Government Act 1993* of which Council may impose a fee for this information.

**ROLES & RESPONSIBILITIES:**

Applications for assessed disclosure

Applications for assessed disclosure are to be lodged on Council's Right to Information application form and addressed to the Right to Information Officer, or emailed to [admin@brighton.tas.gov.au](mailto:admin@brighton.tas.gov.au).

The RTI form is available on Council's website or from the Right to Information Officer.

- Applications for information need to be made to the council holding the relevant information or most closely linked to the information.
- Applications are to be accompanied by the application fee. This fee is 25 fee units, which is \$36.50 as at 1 July 2013 and is indexed annually.

Assessment - Right to Information Officer

When an application has been received with the appropriate fee it will be-

- checked to make sure Council has the information we need and that the application fee has been paid;
- transfer the application to another public authority if we do not believe Council are best placed to provide the information.
- Before an application is accepted, contact may need to be made to the applicant to seek further information or understand their request.
- Once the above has been done the RTI Officer will assess the application against the *Right to Information Act 2009* and advise the applicant of the outcome of that process in writing.

- The RTI Officer will notify the applicant of the decision on the application for assessed disclosure as soon as practicable, but in no more than 20 working days of the application being accepted.
- If the request is complex or for a large amount of information Council may ask for an extension of time to assess and provide the information.
- If there is a need to consult with a third party about their business affairs or about their personal information, more time is automatically given and the applicant will be advised of the outcome as soon as practicable, but no later than 40 working days – contact will be made with the applicant to let them know if this is happening.
- If the application or part of the application is refused, then the reasons for the refusal are to be provided together with details on the right to seek a review of the decision.

**REFERENCES:**

*Local Government Act 1993*

*Personal Information Protection Act 2004*

*Right to Information Act 2009*

**ADMINISTRATIVE DETAILS:**

Policy compiled: June 2013

Adopted: OCM June 2013

Review date: June 2015

Reviewed:

Responsibility: Manager Governance & Human Services