



Policy Title	Access to Information
Related Documentation	Records Management Policy Privacy Management Policy Guidelines for the Disclosure of Personal Information Access to Information Guidelines
Relevant Legislation/ Corporate Plan	<i>Government Information (Public Access) Act 2009</i> <i>Government Information (Public Access) Regulations 2018</i> <i>Local Government Act 1993</i> <i>Copyright Act 1968 (Cth)</i> <i>Environmental Planning and Assessment Act 1979</i> <i>Environmental Planning and Assessment Regulation 2000</i> <i>Privacy and Personal Information Protection Act 1998</i> <i>Health Records and Information Privacy Act 2002</i> <i>State Records Act 1998</i>
Responsible Officer	Manager Governance and Risk

**Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.**

## Objectives

The objectives of this Policy are to:

1. To provide an open and transparent means of providing access to information that is held by Council taking into consideration any constraints and obligations prescribed by relevant legislation.
2. To clarify Councils obligations with respect to the disclosure of information, as set out in the *Government Information (Public Access) Act* (the GIPA Act), the *Local Government Act* (LGA), the *Environmental Planning and Assessment Act* (the EP&A Act), and the *Privacy and Personal Information Protection Act* (the PPIP Act).

Council is committed to promoting transparency in its public functions, decision making processes, initiative, operations and plans. Council acknowledges that the information it holds is of public interest.

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

Council is committed to complying with relevant regulatory requirements such as the GIPA Act and the PPIP Act when releasing information it holds, either proactively or in response to requests for information. Should Council determine to withhold information (in full, or in part), the reasons of the determination will be identified to the applicant and documented.

DATA AND DOCUMENT CONTROL		
<b>Division:</b> City Governance <b>Section:</b> Governance and Risk <b>DocSet:</b> 3517415	<b>Adopted Date:</b> 26/02/13 <b>Revised Date:</b> 09/07/2019 <b>Minute Number:</b> 137 <b>Review Date:</b> 30/09/2021	<b>Page:</b> 1 of 4

## Scope

This policy applies to requests received from the public, private businesses, companies, organisations and public sector agencies seeking access to information held by Council. All staff employed by Council have obligations under the GIPA Act and the PPIP Act.

## Definitions

**Access application** means an application for access to government information under Part 4 of the GIPA Act that is a valid access application under that Part.

**Informal access request** means a request for access to government information under Part 2 of the GIPA Act.

**A Record** as defined by the GIPA Act is a 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.

**Government Information** is defined in the GIPA Act as information contained in a record held by an agency.

**Personal Information** is defined by the PPIP Act as information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

## Legislative Context

On 1 July 2010 the GIPA Act replaced the *Freedom of Information Act 1989*. The GIPA Act is designed to meet the community expectations of a more open and transparent government. The GIPA Act sets a presumption in favour of disclosure of government information and makes provisions for the public to be able to access relevant government information.

The LGA contains provisions that confer rights of access on members of the public to information and documents.

The *Copyright Act 1968 (Cth)* governs the copying of information and contains provisions which confer exclusive rights to copyright owners which have the effect of prohibiting publication of copyright material on websites or provision of copies unless the copyright owner has expressly consented.

*The Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation), section 91, states that a consent authority must ensure that a development application is publically notified in accordance with the relevant requirements and any accompanying information is available for inspection during the relevant submission period. During this period the EP&A Regulation provides that any person may inspect the development application and any accompanying information and make extracts from or copies of them.

The PPIP Act provides for the protection of personal information and limits the circumstances in which personal information held by Council be disclosed to other parties. However, it also provides for the rights of the individual to access their own personal information held by Council and for Council to provide same without delay.

Other forms of legislation or documents which have an impact upon access to documents include:

- Privacy Code of Practice for Local Government
- *Health Records and Information Privacy Act 2002*
- *State Records Act 1998*

## **Principles**

Campbelltown City Council publishes a wide range of information on its website, including open access information under the GIPA Act unless to do so would impose unreasonable additional costs to Council. Part 3 of the GIPA Act and Schedule 1 of the *Government Information (Public Access) Regulation 2018* (the GIPA Regulation) list information that is open access information.

Any member of the public has a legal right to make an application to Campbelltown City Council for access to information that Council holds.

## **Informal Access to Information**

Council will make as much other information as possible, publicly available in an appropriate manner, including on its website. Such information is also available free of charge or at the lowest reasonable cost.

Council will allow access to information unless there is an overriding public interest against disclosure of the information. There is no fee required for an informal access request, however photocopying fees may be payable for applications that cannot be responded to electronically.

Should a member of the public request access to information that is not listed on the register of open access information or if they are seeking access to large volume of information, they may be required to complete a formal GIPA application.

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. Council will endeavour to assist in defining such requests to make them more manageable.

A member of the public who is refused access to information in response an informal access request will be informed of their right to make a formal GIPA application under Part 4 of the GIPA Act.

## **Formal GIPA Application**

If information cannot be accessed informally then a formal GIPA application pursuant to Part 4 of the GIPA Act may be necessary.

A formal GIPA application would be required when:

- A large volume of information is being sought.
- Extensive searches are required to locate the relevant records.
- The information sought involves personal information of various parties.
- The information sought involves business information of third parties that must be consulted before any information can be released.
- The records sought are of a sensitive nature.

A formal access application incurs a lodgement fee of \$30. Additionally, pursuant to section 64 of the GIPA Act, Council may impose a processing fee of \$30 per hour of time taken by any Council officer to efficiently deal with the application (including consideration of the application, searching for records, consultation, decision-making and any other function exercised in connection with deciding the application).

**Responsibility**

Governance Officer – Access to Information has the responsibility of facilitating access to Council records.

All staff and elected representatives have responsibilities under the GIPA Act, the GIPA Regulation, the PPIP Act and *State Records Act 1998*.

**Effectiveness of this Policy**

Formal access applications will be published on a disclosures log of access on Council's website and reported upon annually.

The Policy will be reviewed in accordance with Council's adopted Procedure for Policy Development and Review to ensure the framework to manage disclosures is effective and meets current legislative requirements.

**END OF POLICY STATEMENT**