

COUNCIL POLICY

POLICY NUMBER & TITLE:	GOV008	ACCESS TO INFORMATION POLICY
WORD DOCUMENT ID:	DOC/26/246	
VERSION:	2.0	
ADOPTED MEETING DATE:	Click or tap to enter a date.	
REVIEW DUE:	Four yearly or following change of legislation or incident	
VERSION AMENDMENTS:	This version updated to fit Council's new Policy Template and with other changes that include removing procedural details previously provided.	

RESPONSIBLE DEPARTMENT:	Corporate Services
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ACCESS TO INFORMATION POLICY

POLICY OBJECTIVE

The objective of this policy is to outline Wentworth Shire Council's commitment to improving accountability and transparency, by ensuring that members of the public can access information in accordance with the provisions in the *Government Information (Public Access) Act 2009* (GIPA Act) and the associated Regulations.

1. POLICY STATEMENT

Council is committed to the following principles regarding public access to information:

- open and transparent government;
- consideration of the public interest in relation to access requests;
- equitable access to information; and
- respect for the privacy of individuals.

2. POLICY COVERAGE

The policy applies to all Council staff including Councillors, and members of the public who want to access Council information.

3. STRATEGIC PLAN LINK

Objective: Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner.

Strategy: Provide a governance framework that is transparent and builds trust in local leadership.

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Council	Wentworth Shire Council
Government information held by an agency	This is a reference to information contained in a record held by the agency. Record here means 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.

Title: GOV008	ACCESS TO INFORMATION POLICY	V2.0	Version date: XX/XX/XXXX
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COUNCIL POLICY

Overriding public interest against disclosure	Section 14 of the GIPA Act contains an exhaustive list of the public interest considerations against disclosure that agencies may have regard to when deciding whether or not to disclose information they hold.
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5. POLICY CONTENT

Council is committed to taking active steps to meet the core objects of the GIPA Act, to maintain and advance a system of responsible and representative democratic government that is open, accountable, fair and effective, by making government information available to the public by:

- authorising and encouraging the proactive public release of government information;
- giving members of the public an enforceable right to access government information; and
- providing that access to government information is restricted only when there is an overriding public interest against disclosure.

In accordance with the GIPA Act, Council will maintain an *Agency Information Guide* that provides community members, Council staff and the general public with information concerning:

- the structure and functions of Council;
- the way in which functions of Council affect members of the public;
- the avenues available to the public to participate in policy development and the exercise of Council's functions; and
- the type of information available from Council and how this information is made publicly available.

Council will publish clear guidance on its website describing how members of the public can request access to information - any member of the public has a legal right to make an application to Council for access to government information that Council holds.

Council will publish specific open access information (mandatory release) on its website and make available to the public other information as prescribed under Schedule 1 of the *Government Information (Public Access) Regulation 2018* (NSW), unless there is an overriding public interest not to do so. Such information is made available free of charge. Open access information includes Council policies, Council's disclosure log of access applications, Council's register of government contracts and Council's record of open access information that it does not make publicly available on the basis of an overriding public interest against disclosure.

Council will periodically review the government information it holds with a view to making publicly available further information (proactive release) unless there is an overriding public interest against disclosure of the information.

In response to an informal request and in accordance with authority under the GIPA Act, Council will consider release of information that is not publicly available on Council's website, subject to any reasonable conditions that Council thinks fit to impose and unless there is an overriding public interest against disclosure of the information. Council will facilitate consideration of an informal request

COUNCIL POLICY

through provision of an *Informal Request to Access Information Form* for completion. Council may impose processing fees in accordance with Council's Schedule of Fees and Charges.

A member of the public can make a request to access information that is not made available through mandatory release (open access), proactive or informal release, and where the information sought is of a sensitive nature, excessively onerous or voluminous, or contains personal information about a third party, through a formal access application process. This requires completion of Council's *GIPA Access Application Form* and payment of a prescribed fee. Council may impose additional processing fees in accordance with Council's Schedule of Fees and Charges.

Council will deal with and decide formal access applications in accordance with the provisions of the GIPA Act. These include specific time frames for decision making, providing for consultation with a third party regarding potential release of information, and a requirement to provide details of the reasons for any refusal to access information in writing when responding to formal access applications.

The GIPA Act sets out a formal access applicant's right to have certain access application decisions reviewed: internally by Council; external review by the NSW Information Commissioner or externally by the NSW Civil and Administrative Tribunal.

Access to Council records by Councillors is governed by the Code of Conduct. Councillors should be guided by the Code of Conduct when seeking access to documents in their capacity as a Council official.

6. RELATED DOCUMENTS AND LEGISLATION

Legislation

- *Government Information (Public Access) Act 2009 (NSW)*
- *Government Information (Public Access) Regulation 2018 (NSW)*
- *Health Records & Information Privacy Act 2002 (NSW)*
- *Privacy & Personal Information Protection Act 1998 (NSW)*
- *Public Interest Disclosure Act 2022 (NSW)*
- *State Records Act 1998 (NSW)*

Council Policies and Documents

- GOV004 – Public Interest Disclosure Policy
- GOV007 – Privacy Policy
- GOV020 – Code of Conduct Policy
- GOV022 – Compliance Policy
- Compliance Framework
- Governance Framework
- Privacy Management Plan
- Records & Information Management Policy (Operational)

7. ATTACHMENTS

Nil

Title: GOV008	ACCESS TO INFORMATION POLICY	V2.0	Version date: XX/XX/XXXX
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COUNCIL POLICY

8. DOCUMENT APPROVAL

This Council Policy is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click or tap to enter a date.](#) All previous versions of this policy are null and void. This policy may be amended or revoked by Council at any time.

Signed: _____
General Manager Wentworth Shire Council

[Click or tap to enter a date.](#)
Date

DRAFT