

Confidentiality Policy

Local Government Act 2009

1. Policy Statement

This policy records the Townsville City Council's (Council) commitment to preserving the confidentiality of information held by the Council.

2. Principles

Council holds information about a range of matters relating to Council business and to the residents of the city.

Council cannot always know in advance which information, if released will cause negative outcomes for the Council and residents.

To minimise risks to the Council and residents, the Council will preserve the confidentiality of Council information to the fullest extent possible.

There are a number of laws which require the Council to make available information to members of the public or government bodies.

The Council will fully comply with its obligations under those laws. The Council will designate particular information or classes of information as “confidential”, to clarify that the information must be dealt with in a certain way.

3. Scope

This policy applies to all information designated as confidential which is held by the Council and must be followed by all Councillors and Workers.

4. Responsibility

All Councillors and Workers must comply with this policy and are responsible for giving effect to it.

5. Definitions

Confidential information - means information generally not known by or available upon request to, the public which:

- a) identifies and relates to a particular individual; or
- b) carries a risk that - if released or improperly used - would cause harm to the Council or a member of the community or give an unfair advantage to someone.

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The following classes of information must always be treated as confidential:

- a) Legal advice received by Council, including the substance or effect of that legal advice, or any conclusions reached in that legal advice, or any reasoning upon which those conclusions were reached, or any course of action recommended in that legal advice;
- b) Information provided to Council on the condition that it is kept confidential;
- c) Information dealing with the appointment, dismissal, discipline or appraisal of employees;
- d) Information dealing with industrial matters affecting employees;
- e) Information associated with the preliminary budget;
- f) Information dealing with rating concessions for individuals;
- g) Information associated with contracts proposed by Council;
- h) Information associated with starting or defending legal proceedings or matters before the courts;
- i) Information dealing with the security of property;
- j) Information associated with computer/network access;
- k) Information dealing with trade secrets of any person or body;
- l) Information considered and discussed in meetings closed to the public, pursuant to *Local Government Act 2009*;
- m) Commercial-in-confidence information associated with any person or body;
- n) Names and/or address of complainants or witnesses;
- o) Any other information Council is entitled or required to keep confidential under a law; and
- p) Any information designated as confidential by the Chief Executive Officer, until such time as Council has resolved that the Chief Executive Officer's confidentiality designation should be removed.

Information - includes discussions, documents, electronic data or knowledge.

Workers - includes employees, contractors, volunteers and all others who perform work on behalf of Council.

6. Policy

The Council will preserve the confidentiality of confidential information as far as possible under the law.

Confidential information must not be released to any person unless:

- a) the information relates only to that person (that is, it is solely information about the person); or
- b) it is information that relates only to a person, and that person has provided the Council with written authority to release the information to someone else; or
- c) the release is necessary for the conduct of the Council's business and is in the public interest; or
- d) the Council is obliged under law to release the information to that person.

Councillors and Workers must exercise due care when handling or using information they know, or should reasonably know, is confidential information. This includes taking all reasonable steps to ensure the storage and security of information against unauthorised access. If a Councillor or

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Worker is unsure whether a document is confidential or not, the Councillor or Worker must consult with the Chief Executive Officer (or their delegate) before taking any action in relation to the documents that may result in them becoming available to a member of the public.

Councillors or Workers must not access Council information except to the extent that it is necessary to do so in order to perform their official duties.

It is an offence under sections 171 and 200 of the *Local Government Act 2009* for past or present Councillors or local government employees to use information acquired by virtue of their position with Council to gain an advantage or cause detriment to the local government.

A breach of this Confidentiality Policy may amount to corrupt conduct pursuant to the *Crime and Corruption Act 2001* and/or may result disciplinary action.

7. Legal Parameters

Crime and Misconduct Act 2001 *Crime and Corruption Act 2001*

Information Privacy 2009

Local Government Act 2009

Local Government Regulation 2012

Planning Act 2016

Right to Information Act 2009

8. Associated Documents

Code of Conduct for Staff

Councillor Code of Conduct

Right to Information Policy

Information Privacy Policy

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