

Right to Information Policy

Right to Information Act 2009

1. Policy Statement

Townsville City Council (Council) aims to make it easy for the public to access our information, maximise the amount of corporate information that is publicly available and is committed to openness and transparency. Council promotes proactive release of information and encourages Council Workers to actively support activities to make corporate information available to the public in an easy to use, efficient, self-service manner and in accordance with the *Right to Information Act 2009* (Qld) (RTI Act).

The Queensland Government has established a regime for managing and accessing the information that Queensland Government agencies, including Local Governments, hold. The information held by Queensland Government agencies consists of information about an individual (personal information), or general, non-personal information.

Accessing information held by Queensland Government agencies is governed by the RTI Act. The RTI Act establishes a right for persons to seek access to information held by Queensland Government agencies, including Local Governments, and the processes and procedures which must be followed by an agency when responding to an application.

Townsville City Council, as a Local Government, is subject to the RTI Act.

2. Principles

The RTI Act establishes a public right of access to documents in Council's possession or under Council's control. In establishing this right of access, the RTI Act sets out specific processes and procedures that must be followed in seeking access to Council documents as well as the grounds of exemption which can apply to prevent the disclosure of certain Council information and documents.

This policy describes the general processes and conditions for accessing information and documents held by Council under the RTI Act.

3. Scope

This policy applies Workers and Councillors.

4. Responsibility

While Council's Chief Executive Officer (CEO) is the Principal Officer and is the person responsible for determining the outcome of RTI applications, compliance with the requirements of the RTI Act is the responsibility of all Council staff and Councillors. The roles and responsibilities of Council employees under the RTI Act and this policy include:

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- a) The CEO can delegate the power to “deal with” RTI applications to other Council employees. The key recipients of this delegated authority are employees in the Legal Services section.
- b) The delegated officer is the primary officer responsible for making decisions regarding the release of documents within the time periods stipulated in the RTI Act. In this function, the delegated officer may deal with prospective RTI applicants and liaise with service units regarding access to documents.
- c) Managers are responsible for establishing procedures to locate information held in their areas. In the event that information cannot be located, a written statement must be provided to the delegated officer indicating that the information cannot be located and that reasonable steps have been taken to locate the information.
- d) Workers, at the delegated officer’s request, may be asked to provide information, such as background information, about a document or documents to assist the delegated officer in determining whether any exemptions are relevant to the document or documents.

Where there is an internal review of a decision made on an RTI application, the CEO or nominated delegate (the delegate must be no less senior than the officer who made the original decision) will be responsible for determining the internal review.

5. Definitions

Administrative release - refers to access to information, in full or part, in certain types of administrative or operational records. Such records are generally released as a matter of course, in response to a request, without the need for a formal application under legislative authority.

Compliant Application - means an application which meets the requirements set out in section 24 of the RTI Act or section 43 of the IP Act.

Council - means Townsville City Council.

Disclosure log - means a list of documents released following a decision about an application for access under the Act, which is published on Council’s website.

Documents - The RTI Act defines ‘document’ as a document in the possession, or under the control of Council whether brought into existence or received in the Council, and includes:

- a document to which Council is entitled to access; and
- a document in the possession, or under the control, of an officer of Council in the officer’s official capacity.

Documents may be:

- in hardcopy or electronic form;
- any paper or other material on which there is writing;
- any paper or other material on which there are marks, figures, symbols or perforations having a meaning for a person qualified to interpret them; and
- any disc, tape or other article or any material from which sounds, images, writings or messages are capable of being produced or reproduced (with or without the aid of another article or device).

Manager - an individual responsible for overseeing and coordinating specific functions, departments, teams or projects within Townsville City Council.

Personal information - means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not,

about a natural living person whose identity is apparent, or can reasonably be ascertained, from the information or opinion, including a photograph or other pictorial representation of a person.

Publication scheme - means the kinds of information that Council has available and the terms on which it will make the information available, including any charges that may be necessary.

RTI Act - means the *Right to Information Act 2009*, a Queensland Act.

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

6. Policy

Council is committed to providing access to Council documents in accordance and consistent with legislative requirements including requirements prescribed under the RTI Act.

Council information and documents are available to the public via:

- Council website;
- The Council's Publication Scheme;
- Townsville Dashboard;
- Council libraries and administrative centres;
- Council's Disclosure Log; and,
- under administrative access arrangements.

An individual who requests access to a Council document, or part of a document, should initially be referred to sources of information which are publicly available including Council's website, Townsville Dashboard, Council's Publication Scheme, Disclosure Log (where required), library or other source where Council documents are routinely made available to the public.

If the document is not publicly available, an individual may apply to access the document or information under an administrative access arrangement.

If access cannot be given under one of the above mechanisms, an individual may choose to submit an RTI access application in accordance with the provisions of the RTI Act or the *Information Privacy Act 2009* (Qld) (IP Act).

6.1 Publication Scheme

The publication scheme is administered by Legal Services. Council will publish a publication scheme that explains the information that the public can access. This scheme sets out classes of information and the terms on which Council will make the information available. This will be a living document and requires regular review on an annual basis to ensure it is current and accurate. The Chief Legal Officer must ensure that Legal Services are made aware of any new information that is to be covered by the publication scheme, in accordance with the Ministerial Guidelines for Publication Schemes. Documents to be listed in the publication scheme include:

| Class of Information Required to be Available | | How Council Currently Addresses This |
|---|---------------------------|--|
| About us | Who we are and what we do | History of organisation Councillors Organisation structure |

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| | | |
|----------------|--|---|
| | | Committee structure Annual Report Media releases Documents held by Council |
| Our services | The services we offer | As defined in Operational Plan |
| Our finances | What we spend and how we spend it | Budget Tenders and Procurement |
| Our priorities | What our priorities are and how we are doing | Corporate Plan and Operational Plan Planning Scheme |
| Our decisions | How we make decisions | Local Laws Council functions and powers Meetings of Council Council Minutes Statutory Bodies Code of Conduct |
| Our policies | Our policies and procedures | Policies listed on internet |
| Our lists | Lists and registers | Legislative registers Disclosure logs Delegations |

6.2 Administrative Access Applications

Administrative access applications are ad hoc requests for a Council document or part of a document. An administrative access request must be referred to Legal Services for consideration. Legal Services must assess the request to determine if the document can be released administratively. The administrative release of a document is at the discretion of the Chief Legal Officer subject to legislative provisions and Council policy.

The administrative release of information is to be in accordance with open and transparent governance and reduces the need for a formal RTI access application.

6.3 RTI Access Applications

If a Council document is not publicly available, or available via an administrative access request, an individual can make a formal application to Council to access a Council document under the provisions of the RTI Act.

An RTI access application must:

- be in the approved form and accompanied by the prescribed application fee; and
- give sufficient information to enable the identification of the documents requested; and
- state an address where notices issued under the RTI Act or IP Act are to be sent.

The RTI access application applies only to documents that are, or may be, in existence on the day the application is received.

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RTI application forms are available from Council's website, at Council's administration centres or by requesting a copy to be emailed or posted.

The RTI Act provides Council with a 25 business day processing period from Council's receipt of the application to provide a written decision. Day one of the processing period starts on the next business day after the Council receives the application, even if the application is not a Compliant Application.

When an applicant makes an access application that is not compliant, the Council must make reasonable efforts to contact the applicant so as to provide the applicant with a reasonable opportunity to make the application a Compliant Application. Once the application becomes a Compliant Application, the 25 business day processing period commences again.

At any time before the processing period expires, Council may ask the applicant for an extension of the processing period with a view to making a considered decision.

If an access application is outside the scope of the legislative provisions, Council will advise the applicant within 10 business days after receiving the application.

Where an access application is made for a document that contains the applicant's personal information, Council will advise the applicant within 15 business days that the application could have been made under the IP Act without application fees or processing charges being payable.

There is a fee for an access application. Processing and access costs may be incurred for printing or additional administration. Where formal applications under the RTI Act are made, the fees and charges specified in the *Right to Information Regulation 2009* (the Regulation) will be applied by Council.

Before the end of the processing period Council will provide the applicant with a schedule of relevant documents (unless this requirement is waived by the applicant), a charges estimate notice and the applicant's option to consult with a view to amending the application to reduce charges.

The CEO or delegated officer assesses each application in accordance with the public interest test and other exemptions prescribed by the RTI Act. If the delegate considers on balance, that disclosure of the information would be contrary to the public interest, the information will not be released.

Council may refuse to deal with an access application if it would substantially and unreasonably divert Council's resources. Council can also refuse to deal with an access application if the application was previously made for access to the same documents.

Once an access application has been assessed, the delegate provides the applicant with a written notice of its decision and, if access to certain information is denied, a statement of reasons in accordance with the RTI Act.

6.4 Amendment of Personal Information

Individuals have the right to seek amendment of personal information held about them where it is considered to be inaccurate, incomplete, out-of-date or misleading.

Amendment of information does not extend to deletion or destruction of records.

6.5 Disclosure Log

Council may develop and make publicly available a disclosure log, which will contain information disclosed to applicants under the RTI Act.

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6.6 Internal and External Review

The delegated officer will provide to the applicant reasons for decisions not to release documents, to give only partial access to documents, or to refuse to amend personal affairs information.

The applicant can request an internal review which will be undertaken by an internal review officer.

The applicant can also request an external review which will be undertaken by the Queensland Information Commissioner. It is not necessary to have an internal review before applying for an external review.

7. Legal Parameters

Acts Interpretation Act 1954

Human Rights Act 2019

Information Privacy Act 2009

Information Privacy Regulation 2009

Local Government Act 2009

Local Government Regulation 2012

Public Records Act 2002

Right to Information Act 2009

Right to Information Regulation 2009

8. ASSOCIATED DOCUMENTS

Confidentiality Policy

Information Privacy Policy

Ministerial Guidelines for Publication Schemes