

1. Purpose

In accordance with the *Right to Information Act 2009* (RTI Act) and the *Human Rights Act 2019 (Qld)*, Council is responsible for administering the right of access to information in the possession of Council or under Council's control unless, on balance, it would be contrary to the public interest to do so.

Council is committed to openness and transparency through the proactive release of information to the community. This includes making information available through Council's Publication Scheme which is available on Council's website.

Council's Publication Scheme and administrative access considerations are important means of ensuring formal access applications are a last resort in avoiding unnecessary processes and costs for applicants and Council.

However, should information not be publicly available, a Right to Information Application may be completed requesting copies of documents upon payment of a fee.

2. Scope

This Policy applies to the Mayor, Councillors, Chief Executive Officer (CEO) and, all employees including volunteers and contractors working for Council.

This Policy applies to information in Council's possession or under its control, except for exempt information.

This Policy does not cover matters relating to the disclosure of personal information which is dealt with under the *Information Privacy Act 2009*, Council's Information Privacy Policy and Information Privacy Procedure.

3. Responsibility

The CEO is delegated by Council, as the Principal Officer for the purposes of the RTI Act and is responsible for Council's obligations under the RTI Act.

Decision makers have been delegated by the CEO to make decisions regarding the release of documents. This responsibility has been delegated to all Council Directors.

The Senior Records Officer is the designated Right to Information Officer (RTI Officer) for dealing with Right to Information requests and queries.

An Internal Review Officer, also a decision maker, is an Officer appointed to review a decision made on an RTI Application. The Internal Review Officer, who must be an officer of equal or greater seniority to the initial decision maker, must make a decision as if the reviewable decision had not been made.

All employees have a responsibility to keep and maintain records in accordance with Council's Recordkeeping Policy and associated procedures. On request, employees must:

- Ensure the prompt return of information and/or documentation within required timeframes (unless otherwise arranged);
- Provide full and complete records as requested;
- Provide separate background information about a document to assist the decision maker in determining whether any exemptions apply to the release of documents.

4. Definitions

Document means a document, other than a document to which the RTI Act does not apply, in the possession, or under the control, of the agency whether brought into existence or received in the agency, and includes:

- a) A document to which the agency is entitled to access; and
- b) A document in the possession, or under the control, of an officer of the agency in the officer's official capacity.

Documents may be in hard copy or electronic format and include files, reports, emails, correspondence, computer printouts, maps, plans, photographs, audio recordings and video recordings.

Administrative release refers to access to information, in full or in 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 such as the RTI Act.

5. Policy

The RTI Act provides the public with a legally enforceable right to seek access to information and documents containing non-personal information held by Council unless access would, on balance, be contrary to the public interest. Council is defined as a public authority under the RTI Act and is therefore subject to the requirements of RTI Act.

Requests by individuals for their own personal information are dealt with under the terms of the *Information Privacy Act 2009* and as outlined in Council's Information Privacy Policy and Information Privacy Procedure.

Council is committed to an open environment which enables the general public to access Council documents that do not contain personal information without the need to make a formal RTI Request. Therefore, in certain circumstances Council may decide to make an administrative release of information rather than requiring the lodgement of a formal Application Form.

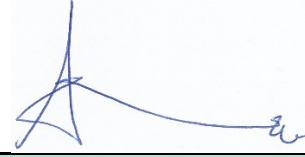
This Policy should be read in conjunction with Council's Right to Information Procedure which provides further details of the process involved in making an access under the RTI Act.

6. Legal Parameters

- *Right to Information Act 2009*
- *Right to Information Regulation 2009*
- *Information Privacy Act 2009*
- *Information Privacy Regulation 2009*
- *Human Rights Act 2019 (Qld)*

7. Associated Documents

- Right to Information Procedure
- Information Privacy Policy
- Information Privacy Procedure
- Closed Circuit Television Policy

DOCUMENT HISTORY AND STATUS						
Action	Name			Position	Signed	Date
Approved by Council	Kelvin Tytherleigh			CEO		24/11/2021
Policy Version	2	Initial Version Adopted	22/09/2010	Current Version Adopted		24/11/2021
Maintained By	Corporate and Financial Services			Next Review Date		30/11/2023
File Location	E:\Shared Data\Administration\Change\Policies, Procedures & Forms\02. Current Documents					

