

# Policy

## Access to Information

Version 1.7

Adopted by Council at its meeting on 21 June 2018

Division:  
Section:  
File Reference:  
Historical Reference:

Corporate Services  
Corporate Governance  
Council Policies/Protocols/Procedures  
See Version Control

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## Access to Information

### 1 Policy Objective

The objective of this policy is to describe Council's principles regarding public access to information and to facilitate the processing of requests for such access. This policy is to be read in conjunction with the Access to Information Guidelines.

### 2 Definitions

Not applicable

### 3 Policy Background

Not applicable

## 4 Policy

### 4.1 Principles

Tweed Shire Council is committed to the following principles regarding public access to its information and spatial data:

- Open and transparent government
- Consideration of the overriding public interest in relation to access requests
- Proactive disclosure and dissemination of information and spatial data
- Respect for the privacy of individuals

### 4.2 Implementation of Public Access to Information

Council publishes specific open access information on its website, free of charge unless to do so would impose unreasonable additional costs to Council. Council will facilitate public access through this and other appropriate mediums. Also Council publishes for inspection information listed under Schedule 5 of the *Government Information (Public Access) Act 2009* held by it, unless there is an overriding public interest not to do so.

Council makes as much other information as possible publicly available in an appropriate manner, including on the internet. Such information is also available free of charges or at the lowest reasonable cost.

Spatial data made available through Council's Open Data Hub, covers datasets and databases owned and held by Council, and stored in formats including hardcopy, electronic (digital), graphical, cartographic or numerical form. Data does not include software. Council's spatial data will be made available under Creative Commons 4.0 international license, allowing for unrestricted reuse by the public.

Council will endeavour to release other information and spatial data in response to an informal request. The 'Access to Information Guidelines', available on Council's website identifies types of information that are available for public access and any restrictions that may apply.

Depending upon the nature of the request and the form of access requested charges for photocopying may be applied in accordance with Council's Schedule of Fees and Charges and relevant legislation.

Council will assess requests for access to information with reference to:

- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- State Records Act 1998
- Local Government Act 1993
- Environmental Planning and Assessment (EPA) Act 1979
- Companion Animals Act 1998

and any other relevant legislation and guidelines as applicable.

Broad requests for access to a large number of unspecified information 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 endeavor to assist in defining the request to a more manageable one.

Some information may require a formal access application in accordance with the *Government Information (Public Access) Act 2009*. Council will assess all requests for access to information in a timely manner and in accordance with the 'Access to Information Guidelines' and relevant legislation.

### **4.3 Implementation of Councillor and Administrator Access to Information**

Councillors and administrators when making a request for information should draft the request carefully and precisely detail the information sought. The preferred means is through the completion of the *Informal Access Request* form. Councillors and administrators will be advised of a timeframe when a response to their informal access request will be provided.

Where it is believed that significant resources will be required to respond to a request for information, the general manager or right to information officer will advise the councillor or administrator and provide details of the estimate of time and/or costs that are likely to be incurred in providing the information. An indication will also be given what other matters will not be able to be attended to as a result of compiling the request for information.

Councillors and administrators who have been refused access to information through the informal access process are entitled to lodge a *Formal Access Application* under the *Government Information (Public Access) Act 2009*. The Act provides three options to have a decision reviewed through an internal review, an external review by the Information Commissioner or an external review by the Administrative Decisions Tribunal.

Councillors and administrators who have issues with the handling of an information request are entitled to raise their concerns with the NSW Ombudsman or the Division of Local Government.

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## 4.4 Disclosure Log

Where information is released to an applicant under a formal access application and Council considers that it will be of interest to other members of the public, Council will provide details of the information in a disclosure log for inspection by the public.

## 4.5 Spatial Data Share Agreement

Where spatical data is accessed from the Open Data Hub, members of the public are doing so in accordance with Creative Commons Attribution 4.0 Australia. All data accessed will be accompanied by ANZLIC Metadata statements. Data accessed will be time-stamped to ensure the consumer is aware of the validity of the data at a point in time.

The spatial data is not provided with the intent that any person will rely on it for the purpose of making decisions with financial or legal implications. Persons who place such reliance on the Data do so at their own risk.

## 5 Related Legislation

- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- State Records Act 1998
- Local Government Act 1993
- Environmental Planning and Assessment (EPA) Act 1979
- Companion Animals Act 1998
- NSW Government Open Data Policy and Action Plan

## 6 Compliance

Not applicable

## 7 Forms

Informal Access Request form  
Formal Access Application

## 8 Review Period

This policy will be reviewed within 12 months of the election of each new Council or more frequently in the event of any legislative changes or change in circumstances.

## 9 Useful Links

[Tweed Shire Council website](#)

[Tweed Shire Council Open Data Hub](#)

**Version Control:**

<b>Version History</b>		
<b>Version #</b>	<b>Summary of changes made</b>	<b>Date changes made</b>
1.3	Reviewed and adopted by Council	13 November 2007
1.4	Reviewed and amended	19 October 2010
1.5	Amended and adopted by Council	15 March 2011
1.5	Review and incorporated into new policy template	20 June 2013
1.6	Inclusion of Open Data Hub information to access spatial data.	Adopted by Council 21 June 2018
1.7	Updated formatting. Reviewed as part of Policies Review and no changes required.	16 June 2022