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## 1. Statement

In accordance with the *Right to Information Act 2009* (the Act), Ipswich City Council (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 is contrary to the public interest to give the access.

## 2. Purpose and Principles

Ipswich City Council is committed to openness and transparency through the proactive release of information to the community through its public forums and will be regularly building on the number of documents available through Council's Publication Scheme through continuous assessment of new and existing information.

Council's Publication Scheme has been developed to give the community greater access to information held by Council, without the need to complete an application or pay a fee.

Access to these documents is available on Council's website at [www.ipswich.qld.gov.au](http://www.ipswich.qld.gov.au).

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

## 3. Strategic Plan Links

This policy relates to:

- Listening, Leading and Financial Management

Council information is accurate and managed effectively to ensure appropriate access, confidentiality and security.

## 4. Regulatory Authority

*Right to Information Act 2009*

*Right to Information Regulation 2009*

*Information Privacy Act 2009*

*Information Privacy Regulation 2009*

*Public Records Act 2002*

## 5. Scope

All elected representatives and Council officers (regardless of their employment status ie full time, part time, casual, contract or volunteer) have a role to play in the management of records to ensure that Council's Right to Information officers have the ability to satisfy the requirements of the *Right to Information Act 2009* when processing applications.

## 6. Roles and Responsibilities

- (a) The Chief Executive Officer is the principal officer of Council and is responsible for dealing with applications under the *Right to Information Act 2009*. The Chief Executive Officer may delegate the power to deal with the application to another officer, being Council's Right to Information (RTI) Officer/s.
- (b) The RTI Officer/s have the primary responsibility for:
  - Being Council's First Point of Contact for RTI applicants;
  - Initial assessment of all RTI applications to ensure that the information requested is not already publicly available to the applicant;
  - Liaising with Council's departments regarding access to documents, either administratively or under the *Right to Information Act 2009*;
  - Making decisions regarding the release of documents within the time periods stipulated in the Act;
  - Provision of a formal written response to the applicant.
- (c) General Managers are responsible for ensuring:
  - Employees under their supervision are aware of their record keeping responsibilities through the completion of Record Keeping and Information Privacy training to ensure records are created and managed appropriately;
  - Any assistance necessary is provided to the RTI Officer/s when searching for records within the Department's responsibility;
  - That a written statement is provided to the RTI Officer/s should information not be able to be located. This statement must include an acknowledgment that all reasonable steps have been taken to locate the information.
- (d) All Council employees are responsible for ensuring that they:
  - Maintain all records within their workspace in accordance with Council's Record Keeping Policy;
  - Maintain the integrity of Council's Information Privacy requirements;
  - Provide assistance to the RTI Officers to ensure that any request for the provision of information is handled with priority to ensure that legislated timeframes are met.

## 7. Independence of Decision Maker

Under the *Right to Information Act 2009* (the Act), the decision maker is to be independent. It is an offence under the Act to give oral or written direction to a decision maker that the decision maker does not think should be made. All officers mentioned in “Item 5 – Scope” above need to be aware that it is an offence to act in contravention to the requirements of the Act (refer s.175).

## 8. Review Rights

An applicant has the right to request a review of Council’s decision if they do not agree with the response. There are two (2) avenues available:

### Internal – Council Review

A request for a review must be provided to Council, in writing, within twenty (20) business days from the date stated on the decision notice. The Chief Executive Officer has the power to delegate the review of this application to an officer who is to be no less senior than the original decision maker. The reviewing officer is required to remake the decision with fresh eyes. There are no additional charges to the applicant for this review to be undertaken.

### External – Office of Information Commissioner

An applicant has the option to either:

- Firstly apply to Council for an internal review of its written decision and then make a further application to the Office of Information Commissioner if they still do not agree with Council’s decisions; or
- Forego the opportunity of an internal Council review and apply directly to the Office of Information Commissioner for an external review.

Details of how to apply for an external review are available on the OIC’s website at [www.oic.qld.gov.au](http://www.oic.qld.gov.au)

## 9. Monitoring and Evaluation

- Council maintains a pro-disclosure bias, ensuring every opportunity is taken to make publicly available as much information as possible with regard to the operations of the organisation.
- Council ensures that all staff receive regular training to identify their obligations with regard to accurate and confidential record keeping in line with all relevant legislation and Council policies.
- Internal staff have access to a “one source of truth” intranet site titled Legislative Compliance, hosted by the Legal and Governance Branch.
- That the community are provided with an opportunity to make application to access information held by Council, that is not publicly available, through the Right to Information process.

**10. Policy Owner**

The Legal and Governance Branch of Corporate Services Department is responsible for the implementation and review of this policy.

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