



Confidentiality Policy

Document Number:
A3749421

Policy Author: Legal Services and Corporate Services Branches, Finance and Corporate Services Department.

Objectives:

This policy aims to assist Councillors and Council employees in determining what might be considered confidential information and how this information is to be handled in accordance with the *Local Government Act 2009*.

Related links:

- Section 171(3) *Local Government Act 2009* – Use of information by councillors
- Section 200(5) *Local Government Act 2009* – Use of information by local government employees
- *Right to Information Act 2009*
- *Information Privacy Act 2009*
- Ipswich City Council Code of Conduct for Employees

Scope:

This policy applies to all Councillors and Council employees.

Policy Statement:

Councillors and Council employees must use Council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government and complies with the use of information as stated in the *Local Government Act 2009*.

Council operates in an environment of public accountability in which it seeks to inform the public of issues under consideration and the nature of decisions made by Council. Therefore, information should ordinarily be released to the public unless there are compelling reasons which indicate that this is not in the public interest.

It is accepted that Councillors and Council employees will be in receipt of confidential information. It is Council's responsibility to ensure that such information is treated confidentially, so as not to harm, prejudice or compromise the interests of Council or any individual or organisation, or enable any individual or organisation to gain a financial advantage.

The following types of information may be deemed to be confidential to Council by the Chief Executive Officer or by the Council and shall remain so unless the originator or Council resolve to the contrary:

- Commercial in confidence information — including where the release of information would affect a company's competitive advantage; this is particularly relevant in a competitive tender situation
- Information derived from government departments or ministers that has been classified as confidential by the department or a minister
- Information of a personal nature or about personal affairs, for example the personal details of

councillors or council employees

- Information relating to a property disposal or acquisition process where release of the information may prejudice Council
- Financial and legal analysis where the disclosure of that information may compromise Council or someone else
- Information relating to clients of Council
- Information not owned or controlled by Council
- Information that could result in any action being taken in relation to defamation
- Information involving legal advice to Council or a legal issue or a matter before the courts
- Information that is expressly given to Councillors in confidence
- Information about:
 - the appointment, dismissal or discipline of employees
 - industrial matters affecting employees
 - the local government's budget
 - rating concessions
 - contracts proposed to be made by the local government
 - starting or defending legal proceedings involving the local government
 - any action to be taken by the local government under the *Sustainable Planning Act 2009*, including deciding applications made to it under that Act.

It is acknowledged that some of the above types of information may need to be disclosed from time to time for legal proceedings or in accordance with the *Right to Information Act 2009* or *Information Privacy Act 2009*.

Roles and responsibilities:

Maintenance of this policy will be designated to the Corporate Services Branch, Finance and Corporate Services Department.

Policy Amended: 3 June 2016

Date of Council resolution: 20 September 2011

Committee reference and date: Policy and Administration Board No. 2011(07) of 6 September 2011
- City Management and Finance Committee No. 2011(09) of 13 September 2011

No of resolution: 1

Date to be reviewed: 3 June 2018