

# Policy

<b>Title of Policy</b>	<b>Government Information Public Access (GIPA) Policy</b>		
<b>Responsible Department</b>	Governance	<b>Document Register ID</b>	250.2020.605.1
<b>Policy Owner</b>	Manager Corporate Governance	<b>Review Date</b>	20 February 2023
<b>Date of Council Meeting</b>	Date Approved 20 February 2020	<b>Resolution Number</b>	17/20
<b>Legislation, Australian Standards, Code of Practice</b>	<ul style="list-style-type: none"> <li>• <i>Government Information (Public Access) Act 2009</i></li> <li>• <i>Government Information (Public Access) Act Regulations 2018</i></li> <li>• <i>Local Government Act 1993</i></li> <li>• <i>Privacy and Personal Information Protection Act 1998</i></li> <li>• <i>State Records Act 1998</i></li> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• <i>Other subordinate legislation mentioned in the GIPA Act 2009</i></li> <li>• <i>Council's Code of Conduct</i></li> <li>• <i>Council's Code of Meeting Practice</i></li> <li>• <i>Copyright Act 1968 (Cth)</i></li> </ul>		
<b>Aim</b>	This policy documents Council's commitment to the principles of the <i>Government Information (Public Access) Act 2009</i> , to enable the public's access to government information held by Council, and to facilitate the understanding of staff member's responsibilities across Council.		

## 1 Policy Statement

Snowy Monaro Regional Council (Council) is committed to the objectives of the *GIPA Act*, through maintaining an access to information process that presents Council as open, accountable, fair and effective.

This policy details the key components of that process to facilitate the community's right to access the government information held by Council and at the lowest possible cost.

There is a presumption in favour of the release of government information unless there is an overriding public interest against disclosure.

This policy makes reference to Council's *Agency Information Guide*, *Records Management Framework* and other key NSW legislation. Details of these are not included within the scope and context of this document. Managing government information and its release should be read in conjunction with the requirements of Council's *Privacy Management Plan* and *Records Management Framework*.

## 2 Policy Objectives

The objectives of this policy are to:

- Demonstrate Council's commitment to an open, accountable, fair and effective organisation.

- Facilitate the public's access to government information held by Council
- Drive Council wide approach to its *GIPA Act* obligations through awareness and training of the *GIPA Act*, and establishing staff responsibilities
- Establish a corporate Access to Information system which includes this policy, alignment to best practice records management and accompanying procedures and guidelines.

### 3 Scope

The policy applies to all government and personal information held by Council in the various forms, comprising all councillors, employees, consultants and contractors providing a service to Council.

### 4 Definitions

Term	Explanation
Government Information	Refers to information contained in a record held by a government agency i.e. Council.
Record	Means any document, data or information created, compiled, recorded or stored in written form by electronic process, film or recordings, or in any other manner or by any other means that is evidence of or captures business activities and transactions.
Access Application (Approved Form)	Council has an approved form to be used for the purpose of formal request for information that is does not come under the categories of open access information. The approved from is to be accompanied by the required application fee.

## 5 Providing Access to Information

### 5.1 Agency Information Guide

Council's Agency Information Guide provides details of the range of government information stored on Councils systems and how the public can gain access to these. The Agency Information Guide is reviewed annually. Government information is available via four pathways:

1. Open Access Information
2. Informal Access

#### Category 1 – Informal Access Application – ‘Open Access’

- Information available publically
- Development Information made on or after 1 July 2010
- Neighbours contact details

#### Category 2 – Informal Access Application – ‘Government Information’

- Simple requests relating to Development Information dated before 1 July 2010
- Plans (floor and building)

3. Formal Access Application.

- Requests for information that are complex, take a considerable length of time, sensitive by nature, personal or confidential.

The *Local Government Act 1993* stipulates the range of documents that Council's should make openly available to the public, these are listed in the Agency Information Guide and are available either on Councils website or via access at a Council Administration Office.

## 5.2 Information Request Timeframes

Council strives to provide an applicant's access to information efficiently and in accordance with the timeframes stipulated in the *GIPA Act*. These may be extended where it is necessary to consult with a third party in relation to the release of certain types of information.

## 6 Responsibilities

All Councillors and Council staff are required to have an awareness of the public's right to access government Information. In addition they are required to understand how access to this information is facilitated within Council to maintain compliance.

The table below details the specific responsibilities of key staff within Council

Council Responsibility	<i>GIPA Act</i> Responsibility	Responsibilities
General Manager	Principal Officer	<ul style="list-style-type: none"> <li>• Ultimate responsibility for the Council's commitment to the objects, principles and functions of the <i>GIPA Act</i>.</li> <li>• Facilitate Council employees adherence to sound record keeping practices as this reduces Council's risk to non-compliance and enables swift response to the public's request for information.</li> </ul>
Governance  (Group Manager governance, Manager Corporate governance (Public Officer) , Governance officers)	Right to Information Officer	<ul style="list-style-type: none"> <li>• Facilitate the release of government information</li> <li>• Raise awareness about the <i>GIPA Act</i> and to promote compliance</li> <li>• Provide specific GIPA training sessions</li> <li>• Develop and review Councils <i>GIPA Act</i> Management System, including</li> <li>• Conducting the annual AIG Review</li> <li>•</li> <li>• Undertake GIPA Internal Reviews</li> <li>• Liaise with the Information and Privacy Commission</li> <li>• Undertake required reporting</li> <li>• Process requests for government information in accordance with the legislation, this policy and Council's GIPA procedural document</li> </ul>

Directors, Group and Department Managers		<ul style="list-style-type: none"> <li>• Ensure employees working in their areas are aware of this policy</li> <li>• Facilitate the attendance of their employees at relevant training</li> <li>• Ensure their areas cooperation to a Request for Information that is applicable to their area.</li> </ul>
All Staff		<ul style="list-style-type: none"> <li>• Attend required training</li> <li>• Comply with Councils records management procedures - as this facilities and simplifies the release of information.</li> <li>• Facilitating the release of government information held within their area</li> <li>• Working with Governance staff to identify what if any information not to release as per GIPA guidelines</li> <li>• Assist to redact this information where necessary from government information.</li> </ul>

## 7 Training and Guidance

GIPA Act awareness training will form part of new employee and councillor induction programs. Additional training will be provided to employees who are responsible for managing requests for information in other areas of Council.

## 8 Reporting

Council uses the Information and Privacy Commission GIPA Reporting tool for further management and recording of Access to Information decisions. Governance Officers will utilise this tool to record the details and decisions in relation to information release.

The Right to Information Officer will provide regular reports to Council as required and in Council's Annual Report.

### Documentation

List the name and document reference number of any other document referred to in this document, including any related policies and procedures

- 250.2020.604.1 Agency Information Guide
- 250.2019.566.1 Government Information (Public Access) Procedure
- 250.2019.541.1 Privacy Management Plan/Policy
- 250.2019.540.1 Records Management Policy and Framework
- 250.2019.561.1 Redaction Protocol
- 250.2019.562.1 Redaction Procedure

## 9 Variation

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.