


## Organisational policy

### Administrative access & Right to Information

Corporate Plan reference	Service excellence An outstanding organisation
Endorsed by Chief Executive Officer	 27.10.2023
Manager responsible for policy	Manager Corporate Governance, Office of the CEO

### Policy statement

The Sunshine Coast Council (Council) is committed to the principle that information held by Council is a public resource that belongs to the community and should be released administratively as a matter of course, unless there is good reason not to do so.

It is Council's commitment that formal access applications made under the *Right to Information Act 2009* (the RTI Act) and the *Information Privacy Act 2009* (IP Act)<sup>1</sup> should only be necessary as a last resort<sup>2</sup>.

Administrative release (also known as administrative access):

- puts information into the community faster and at lower cost
- reduces Council time and resources spent processing individual information requests
- demonstrates a commitment to openness, accountability, and transparency.

Where possible, Council is committed to providing information to the community through mechanisms such as Council's websites and publications scheme, Council libraries and customer contact centres, or through administrative release without the need for a formal application under the RTI or IP Act.

The RTI and IP Act provide the community with a legally enforceable mechanism to apply for access to information that cannot or has not been released administratively. It is recognised that some information cannot be released under the RTI Act and the IP Act as the release of certain information held by Council would be contrary to the public interest to disclose such as information that contains sensitive or personal information about an individual.

This policy is supported by guidelines which must be complied with.

### Policy scope

This policy applies to all Council employees and Councillors, including contractors, consultants, volunteers and any other person or entity who provide Council with services on a paid or voluntary basis.

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<sup>1</sup> Access applications can be made under the RTI Act and the IP Act; references to an RTI application in this policy include an IP Application.

<sup>2</sup> As outlined in the preamble to the RTI Act.

This policy does not replace, modify or revoke any legislative or administrative requirements or processes that apply to the publication or release of information (e.g. requirements to make information available under law, complaints/investigation processes, requests for information that are primarily contractual disputes or usual business practices involving releases of information).

This policy is not intended to interfere with, or restrict, operational areas routinely releasing information that is necessary while performing day-to-day functions and activities of Council.

## Principles

This policy is supported by the following principles:

- **Open and transparent:** Council is committed to openness and transparency through the proactive release of information to the community in all formats and forums.
- **Accessible and available:** Council will proactively publish significant, appropriate, and accurate information, including on the Council website. Formal applications under the RTI or IP Act should only be necessary as a last resort.
- **Relevance and timeliness:** Council will ensure that its information is up to date and relevant to meet community needs.
- **Public Interest and legislative compliance:** Council recognises that particular information should not be publicly available and the appropriate processes are in place to ensure the community has an opportunity to request the information through the Right to Information process, where considerations will be given with respect to release.
- **Right of review:** Applications made under the RTI or IP Act have the right to internal or external review of any decisions made.

## Policy Application

In accordance with the principles of this Policy, the following applies:

a) Council will release the following types of information, identified as appropriate for administrative release includes, but not limited to:

- Personal information of the Requestor (there must be no personal information of other individuals intertwined with the Requestor's information).
- Emails and correspondence previously sent between Council and the Requestor.
- Information which is publicly available (whether released by Council or not).
- Information which is routinely made available by Council.
- Information that would be released if it was requested under the RTI Act, either generally or to the particular Requestor.

However, each of these is subject to the *acceptable reasons for withholding access*.

Some information is required to be available by law. For example, there is certain information about property ownership and rates which must be publicly available under local government legislation. Planning legislation requires a range information to be publicly available about building and development applications.

b) Council will provide information to the public in the following of ways including:

- via the Sunshine Coast Council website; or property searches; or
- direct contact with Council's customer contact centre.

## Measurements of success

The success of this policy will be measured by:

Measure:	Desired effect:
Applications for access to personal information administered within the prescribed timeframes.	Greater and easier access to information by the public in a timely manner.
The increase in awareness and application of IP and the Privacy Principles through the conducting of training, information, and awareness sessions.	The protection of individual's private information in the provision of Council' services.
A decrease of formal access applications under the RTI Act and IP Act relative to other release mechanisms	Council making more information easily accessible by undertaking the push model of information

## Policy commitment

Council employees, volunteers, contracted service providers and Councillors covered in the scope of this policy will consistently demonstrate and uphold the intent, objectives, and principles of this policy. Nothing in this policy requires or authorises an employee of Council or Councillor to act in any way that is contrary to law. Any instances of non-compliance will be managed in accordance with any relevant codes of conduct, policies and legislation dealing with conduct and/or disciplinary action.

## Related legislation, policies, strategies, and documents

All individuals engaged in dealings within the scope of this policy are required to fulfil the ethical and behavioural obligations as defined in legislation. In the event of an inconsistency between any provision of this policy and any provision of the following related legislation, policies, strategies and documents, the provisions of the related legislation, policies, strategies and documents shall prevail, unless the CEO or Council expressly waive a provision of this policy by prior agreement. For further assistance please contact the Manager Corporate Governance.

*Human Rights Act 2019*

[Information Privacy Act 2009](#)

[Local Government Act 2009](#)

*Public Records Act 2002*

[Public Sector Ethics Act 1994](#)

[Right to Information Act 2009](#)

[Privacy Breach Management and Notification - Office of the Information Commissioner](#)

[Queensland Government Information Security Classification Framework](#)

[SCC Administrative action complaints management policy and process](#)

[SCC Business recordkeeping policy](#)

[SCC Employee Code of Conduct](#)

[SCC Information access and management policy](#)

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	New policy	Y	Chief Executive Officer	27.10.2023

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# Appendix 1

## Definitions

*Administrative access* refers to the release of government-held information by means other than a formal access application under the RTI Act or *Information Privacy Act 2009* (IP Act).

*Council* means Sunshine Coast Council

*Disclosure Log* is a list of documents released following a decision about an application for access under the *Right to Information Act 2009*. Disclosure Log documents may be published on Council's website or made available on request.

*Document* means a document in the possession or under the control of Council whether created or received by Council. Documents may be in the possession of, or under the control of, a Council employee (including contractors or a Councillor) in that person's official capacity. Documents may be in hard copy or electronic format, including files, correspondence, reports, emails, phone messages, maps, plans, photographs, discs, or recordings.

*Information* is any data that is processed, organised, or classified into categories to serve a useful purpose. It can be presented in voice, digital, printed, pictorial, image, graphical or numerical form. Depending on the type of information and the context, the information or opinion does not have to include the name of an individual to be personal information.

*Internal and External Review* means applicants have the right to seek an internal review if they disagree with the decision of the RTI Officer. An internal review is a process established under the RTI Act which allows the decision made by RTI Officer to be reviewed by the Principal Officer, namely the Chief Executive Officer. The Chief Executive Officer may delegate this power to another officer. Applicants may apply to the Office of Information Commissioner if they are not satisfied with the result of the internal review. Alternatively, the Applicant may wish to forgo the opportunity to seek an internal review of the RTI Officer's decision and proceed directly to an external review with the Office of Information Commissioner. If the applicant is dissatisfied with the decision of the Commissioner, the applicant may wish to seek a further review with the Queensland Civil and Administrative Tribunal (QCAT)

*Personal information:* [Personal information](#) is an opinion or information, whether true or false, that identifies or could identify an individual. It does not have to be written down – it could be spoken information, information in a database or on a computer screen, or a photograph or video recording.

*Examples of personal information are:*

- *date and place of birth*
- *religious or political beliefs*
- *financial, criminal, or medical records*
- *family arrangements*
- *street address, telephone number and email address*
- *where a person works or goes to school.*

Depending on the type of information and the context, the information or opinion does not have to include the name of an individual to be personal information.

*Publication Scheme* refers to the list of documents published on the Council website that Council routinely makes available for public access.

*Right to information officer* means a Council employee delegated to make decisions under the *Right to Information Act 2009*.

*RTI Act* means the *Right to Information Act 2009*