

Upper Macquarie County Council

POLICY: UMCC_2018/05

Public Access to Information Policy

Providing reasonable public access to agency information as required by the Government Information (Public Access) Act (2009)

(Refer also to the Council's Agency Information Guide)

Adopted by: Upper Macquarie County Council
Review Date: Every 3 years or as required

Date: 3rd August 2018
Next Due: 3rd August 2021

Policy Document Approved by:

David Young

David Young
General Manager

Date: 6th July 2018

Upper Macquarie County Council

1. Policy Purpose

Upper Macquarie County Council seeks to comply with its statutory obligations imposed under the NSW Government Information (Public Access) Act (2009) [The Act].

This Policy aim is to ensure that all relevant information is made available to the public in an accessible form and in a timely manner, albeit in the context of the operating constraints of the organisation as a very small single purpose Council.

2. Scope of Policy

This policy applies to all information held by the Council, and details the manner in which the Council discharges its obligations under the Act. In addition, the policy aims to promote the Council's commitment to open and transparent governance generally.

3. Agency Information Guide

The Council is required by Division 2 of Part 3 of the Act to adopt an *Agency Information Guide*. Pursuant to Section 18 of the GIPA Act and GIPA Regulation 2009 Schedule 1, the Council will make open access information publicly available via the Upper Macquarie County Council website [www.umcc.nsw.gov.au]. In the event such publication imposes an unreasonable cost to the Council, or is impractical to provide on the website, the information will be made available free of charge by another means specified by the Agency Information Guide.

The Council's Agency Information Guide is a separate document.

4. Responsibilities

The General Manager as the *Right to Information Officer* (RIO) is responsible for the Authority's compliance and release of information under Part 4 of the Act

The *Right to Information Coordinator* (RIC) is responsible for the collection of information in response to formal and informal access application for consideration for release by the RIO.

As the General Manager is the principle officer of the Council no internal review is available under Section 82 of the Act– instead a review (if any) must be undertaken by the Information Commissioner according to Section 89 of the Act.

Where the RIO is absent from the office the acting RIO is the RIC, and where the RIC is absent from the office the RIO may appoint an acting RIC.

5. Proactive Release

County Council policies are to be regularly review (according to the review schedule set for each policy) to ensure that, where they have application to members of the public, they are current and published on the Authority's website.

All officers responsible for reports, statistics and creation of information that impact on the public are to review their documents for information that would be of interest to members of the public that can be published on the Authority's website.

6. Dealing with Requests

Part 6, Division 6 of GIPA provides protections for officers disclosing government information, both formally and informally, pursuant to a decision under the Act where the person who made the decision believes in good faith, when making the decision, that this Act permits or requires the decision to be made.

Requests for drone surveillance footage made by members of NSW Police and other law enforcement bodies are considered to be informal access applications. NSW Police and other law enforcement bodies may be provided footage by the Chief Weeds Biosecurity Officer.

Student and research enquiries may be dealt with as informal applications. Information provided in response to such requests should be limited to information that is easily accessible. Information provided is not to contain confidential, copyrighted or personal information.

All other requests are to be forwarded to the RIO to determine if the application should be dealt with as a formal or informal Access Application. These include requests requiring: Searching of the Council's recordkeeping and information systems; retrieval of records and/or information from more than one business units; and access to records at in remote archives.

7. Fees and Charges

Fees and charges will be levied by the Council, pursuant to the Act and according to any directions of the Information Commissioner NSW.

The RIO is to keep applicants fully informed of any applicable fees and charges and provide cost estimates prior to the levying of charges.

Where the RIO is of the view that it is appropriate, any fee or charge payable or paid under the Act may be waived, reduced or refunded pursuant to Section 51A and Section 127 of the Act.

8. Approvals

This Policy is to be approved by the General Manager and subsequently adopted by the Council before it comes into effect.

13. Review

From time to time the Council may make changes to this Policy and associated procedures and guidelines to improve the effectiveness of its operation or to meet new provisions in any relevant legislation.

14. Further Assistance

Further information is available from the NSW Information and Privacy Commission- details are provided in the Council's Agency Information Guide.

All information requests should initially be referred to the Right to Information Coordinator (RIC) on admin@umcc.nsw.gov.au

or phone 6338 2875 during business hours.